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भारत का राजपत्र
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सं. 15] नई दिल्ली, शनिवार, अप्रैल 13, 1996/चैत्र 24, 1918

No. 15] NEW DELHI, SATURDAY, APRIL 13, 1996/CHAITRA 24, 1918

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications Issued by the Ministries of the Government of India (other than the Ministry of Defence)

विधि, न्याय और कम्पनी कार्य मंत्रालय

(विधि कार्य विभाग)

(न्यायिक अनुभाग)

सूचना

नई दिल्ली, 20 मार्च, 1996

का.आ. 1138.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि मो. तैयब कासिम सैयद एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए किया है कि उसे नासिक जिला (महाराष्ट्र) में व्यवसाय करने के लिए नोटरी के रूप नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5 (71)/96—न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Department of Legal Affairs)

(Judicial Section)

NOTICE

New Delhi, the 20th March, 1996

S.O. 1138.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Mohd. Tayyab Qasim Sayyad, Advocate for appointment as a Notary to practise in Nashik Distt. (Maharashtra).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(71)|96-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 20 मार्च, 1996

का.आ. 1139 :—नोटरीज नियम; 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री प्रमोद कुमार श्रीवास्तव, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे मीरापुर बसाही, वाराणसी जिला (उत्तर प्रदेश) में व्यवसाय करने के लिए नोटरी के रूप नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5 (72)/96—न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

NOTICE

New Delhi, the 20th March, 1996

S.O. 1139.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Pramod Kumar Srivestava, Advocate for appointment as a Notary to practise in Meerapur Basahi, Distt. Varanasi (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(72)|96-Judl.]

P. C. KANNAN, Competent Authority.

वित्त मंत्रालय

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 22 मार्च, 1996

का.आ. 1140 :—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 1998 तक रायगंज सेन्ट्रल को आपरेटिव बैंक लि., रायगंज (पश्चिम बंगाल) पर लागू नहीं होंगे।

[सं. 1(11)/96—ए.सी.]

सुधीर श्रीवास्तव, उप सचिव

MINISTRY OF FINANCE

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 22nd March, 1996

S.O. 1140.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of Sub-Section 1 of Section 11 of the said Act shall not apply to the Raiganj Central Co-operative Bank Ltd., Raiganj (West Bengal) from the date of publication of this Notification in the Official Gazette to 31st March, 1998.

[F. No. 1(11)|96-AC]

SUDHIR SRIVASTAVA, Dy. Secy.

नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय

नई दिल्ली, 19 मार्च, 1996

का.आ. 1141 :—केन्द्रीय सरकार बाट और माप मानक अधिनियम 1976 (1976 का 60) की धारा 36 की उपधारा (7) और उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र भाग 2, खंड 3, उपखंड (ii) तारीख में प्रकाशित भारत सरकार के नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय की अधिसूचना सं. का.आ. 2005 तारीख 7 जुलाई, 1995 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना के हिन्दी पाठ में, पृष्ठ 3 पर, स्तंभ 1 के पैरा 1 के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :—

"आगे केन्द्रीय सरकार यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 2.5 किलोग्राम, 6 किलोग्राम, 25 किलोग्राम की अधिकतम क्षमता वाले पी.ई.एम., 300 ग्राम 600 ग्राम "पी.ई. सिरीज के 1 किलोग्राम "/0.1 ग्राम या 0.5 ग्राम, 2 किलोग्राम/0.1 ग्राम या 0.2 ग्राम, 5 किलोग्राम/0.2 ग्राम या 0.5 ग्राम, 10 किलोग्राम/0.5 ग्राम या 1 ग्राम, और 25 किलोग्राम/1 ग्राम की अधिकतम क्षमता वाले और (ई) मान वाले समरूप मेक, यथार्थता और उसी सिरीज के कार्यकरण वाले टेबल टाप तोलन उपकरण भी है।"

[फा.सं. डब्ल्यू. एम 21 (76)/95]

राजीव श्रीवास्तव, संयुक्त सचिव

MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION

New Delhi, the 19th March, 1996

S.O. 1141.—In exercise of the powers conferred by sub-section (7) and (12) of section 38 of the Standards of Weights and Measures Act, 1976 (60 of 1976), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Civil Supplies, Consumer Affairs and Public Distribution, published in the Gazette of India dated 8-7-95 Part II, sec. 3, sub-section (ii), vide S.O. 2005 dated 7th July, 1995, namely :—

In the said notification at page 3, in column 2, in paragraph 2 after the letters, words and figures, "PEM series of maximum capacity 300g, 600g", the following shall be inserted, namely :—

"PE series with maximum capacity and 'e' value of 1kg/0.1g or 0.05g, 2kg/0.1g or 0.2g, 5kg/0.2g or 0.5g, 10kg/0.5g or 1g, and 25 kg|1g.'

[F. No. WM 21/76)/95]

RAJIV SRIVASTAVA, Jt. Secy.

नई दिल्ली, 25 मार्च, 1996

का.आ. 1142—केन्द्रीय सरकार की विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बाट और माप मानक अधिनियम 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि उक्त माडल लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा;

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 36 उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उच्च यथार्थता वर्ग 2 का सी.डब्ल्यू. सीरीज टाइप के और "कान्वे" ट्रेड मार्क वाले स्वतः सूचक गैर-स्वचालित टेबल टाप तोलन उपकरण के माडल का (जिसे इसमें इसके पश्चात माडल कहा गया है) जिसका विनिर्माण मैसर्स कान्वे इलैक्ट्रोनिक इन्स्ट्रूमेंटस, प्राइवेट लिमिटड, 18, द्वितीय तल मंडप इंडस्ट्रियल इस्टेट, पी.एस.एम. कम्पाउंड, एल.बी.एस. मार्ग, मंडप (पश्चिम) मुम्बई-400070 द्वारा किया गया है और जिसे अनुमोदन चिन्ह आई.एन.डी./09/95/50 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

माडल (आकृति देखिए) एक उच्च यथार्थता (यथार्थता वर्ग 2) का तोलन उपकरण है जिसकी अधिकतम क्षमता 320 ग्राम और न्यूनतम क्षमता 200 ग्राम है। इसमें एक टेयर युक्ति है जिसका व्यकलनात्मक प्रतिधारण टेयर प्रभाव 100 प्रतिशत है। भारग्राही 100 मि.मी. का व्यास वृत्ताकार सेक्शन है। प्रकाश उत्सर्जन डायोड संप्रदर्श तोल परिणाम उपदर्शित करता है। यह उपकरण 230 वोल्ट, 50 हर्टज के प्रत्यावर्ती धारा विद्युत प्रदाय पर प्रचालित होता है।



आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित प्रत्यक (ई) 0.10 ग्राम मान वाले 120 ग्राम, 220 ग्राम, 320 ग्राम, 520 ग्राम, 620 ग्राम, 1000 ग्राम प्रत्येक (ई) 0.1 ग्राम मान वाले 1500 ग्राम, 3000 ग्राम, 5000 ग्राम, 100 ग्राम/0.001 ग्राम, 520 ग्राम/0.05 ग्राम, 6000 ग्राम/0.5 ग्राम और दोहरे परिसर के 30 ग्राम 520 ग्राम/0.001 ग्राम, 0.01 ग्राम और 300 ग्राम, 3000 ग्राम/0.01 ग्राम 0.1 ग्राम की अधिकतम क्षमता वाले और (ई) मान के समरूप मेक, यथार्थता और उसी सिरीज के कार्यकरण वाले तोलन उपकरण भी है ।

[फा.सं. डब्ल्यू. एम 21 (21)/95)]

राजीव श्रीवास्तव, संयुक्त सचिव

New Delhi, the 25th March, 1996

S.O. 1142.—Whereas the Central Government after considering the report submitted to it by the prescribed authority, (see figure below) is satisfied that the Model described in the said report is in conformity with the provisions of the Standards of Weights and Measure Act, 1976 (60 of 1976) and the Standard of Weight and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the self-indicating non-automatic table top weighing instrument of type CW series of class II High accuracy and with the trade mark "Conweigh" (hereinafter called the model) manufactured by M|s. Conweigh Electronic Instruments Pvt. Ltd., 18, 2nd Floor, Bhandup Industrial Estate, P.S.M. Compound, LBS Marg Bhandup (W), Bombay-400070, and which is assigned the approval mark IND|09|95|50.

The model (see figure) is a high accuracy (accuracy class II) weighing instrument with a maximum capacity of 320 g and minimum capacity of 200 milligram. The verification scale interval (e) is 10 milligram. It has a tare device with a 100 per cent substractive retained tare effect. The load receptor is of circular section of dia 100 millimetres. The LED display indicates the weighing result. The instrument operates on 230 volts, 50 Herts alternate current power supply.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 120g, 220g, 320g, 520g, 620g, 1000g each with 'e' value of 0.01g, 1500g, 3000g, 5000g each with 'e' value of 0.1g, 100g|0.001g, 520g|0.05g, 6000g|0.5g and dual range of 30g-520g|0.001g-0.01g, and 300g-3000g|0.01g-0.1g manufactured by the same manufacturer in accordance with the same principle and with the same materials with which, the approved model has been manufactured.

[File No. WM 21(21)|95]

RAJIV SRIVASTAVA, Jt. Secy.

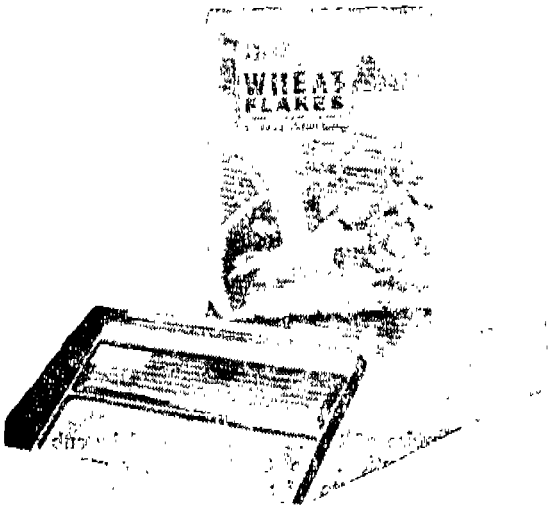
नई दिल्ली, 25 मार्च, 1996

का.आ. 1143:—केन्द्रीय सरकार की विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि उक्त माडल लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा;

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 36 उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मध्यम यथार्थता वर्ग 3 की.सी.एल.टी. सीरीज टाइप के और "कान्वे" ट्रेड मार्क वाले स्वतः सूचक गैर-स्वचालित टेबल टाप तोलन उपकरण के

माडल का (जिसे इसमें इसके पश्चात माडल कहा गया है) जिसका विनिर्माण मैसर्स कान्त्रे इलैक्ट्रोनिक इन्स्ट्रूमेंटस, प्राइवेट लिमिटड, 18, द्वितीय तल, मंडप इंडस्ट्रियल इस्टेट, पी.एस.एम. कम्पाउंड, एल.बी.एम. मार्ग, मंडप (पश्चिम) मुम्बई-400070 द्वारा किया गया है और जिसे अनुमोदन चिन्ह आई.एन.डी/09/95/51 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

माडल (आकृति देखिए) एक मध्यम यथार्थता (यथार्थता वर्ग 3) का तोलन उपकरण है जिसकी अधिकतम क्षमता 6 किलोग्राम और न्यूनतम क्षमता 20 ग्राम है। सत्यापन मापमान अन्तर (ई) 1 ग्राम है। इसमें एक टेयर युक्ति का व्यकलनात्मक प्रतिधारण टेयर प्रभाव 100 प्रतिशत है। भारग्राही 200 मि.मी.—300 मि.मी. आकार का आयताकार सेक्शन है। प्रकाश उत्सर्जन डायोड संप्रदर्श तोल परिणाम उपदर्शित करते है। यह उपकरण 230 वोल्ट, 50 हर्टज के प्रत्यावर्ती धारा विद्युत प्रदाय पर प्रचालित होता है।



आगे, केन्द्रीय सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 600 ग्राम /0.1 ग्राम, 1200 ग्राम/0.2 ग्राम, 2 किलोग्राम/1 ग्राम, 3 किलोग्राम/0.5 या 1 या 2 ग्राम, 6 किलोग्राम/1 या 2 ग्राम, 12 किलोग्राम/2 या 5 ग्राम, 20 किलोग्राम/5 या 10 ग्राम, 30 किलोग्राम/5 या 10 ग्राम, 50 किलोग्राम/10 या 50 ग्राम की प्रत्येक (ई) 0.10 ग्राम मान वाले 120 ग्राम, 220 ग्राम, 320 ग्राम, 520 ग्राम, अधिकतम क्षमता वाले समरूप मैक यथार्थता और उसी सिरीज के कार्यकरण वाले तोलन उपकरण भी है।

[फा.सं. डब्ल्यू. एम 21 (21)/95]

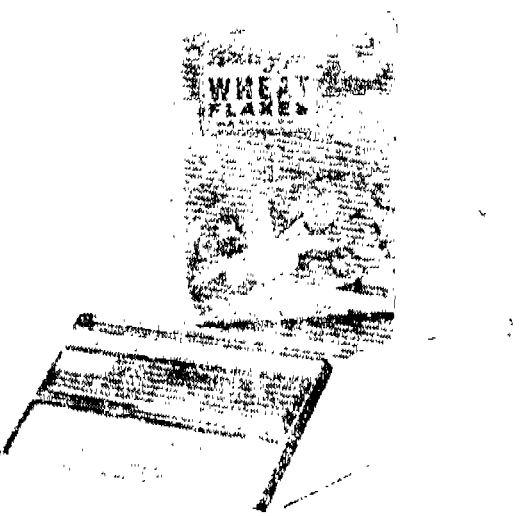
राजीव श्रीवास्तव, संयुक्त सचिव

New Delhi, the 25th March, 1996

S.O. 1143.—Whereas the Central Government after considering the report submitted to it by the prescribed authority, (see figure below) is satisfied that the Model described in the said report is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under veried conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) and (8) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the self-ndicating non-automatic table top weighing instrument of type CLT series of class III Medium accuracy and with the trade mark "Conweigh" (hereinafter called the model) manufactured by M|s. Conweigh Electronic Instruments Pvt. Ltd., 18, 2nd Floor, Bhandup Industrial Estate, P.S.M. Compound, LBS Marg Bhandup (W), Bombay-400070, and which is assigned the approval mark IND|09|95|51.

The model (see figure) is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 6 kg and minimum capacity of 20 gram. The verification scale interval (e) is 1 gram. It has a tare device wth a 100 per cent substractive retained tare effect. The load receptor is of rectangular section of size 200×300 millimetres. The LED display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply.



Further, in exercise of the powers conferred by sub section (12) of the said section, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 600g|0.1g, 1200g|0.2g, 2 kg|1g, 3000g|0.5 or 1 or 2g, 6000g|1 or 2g, 12kg|2 or 5g, 20kg|5 or 10g, 30kg|5 or 10g, 50kg|10 or 50g manufactured by the same manufacturer in accordance with the same principle and with the same materials with which, the approved model has been manufactured.

[File No. WM 21(21)|95]

RAJIV SRIVASTAVA, Jt. Secy.

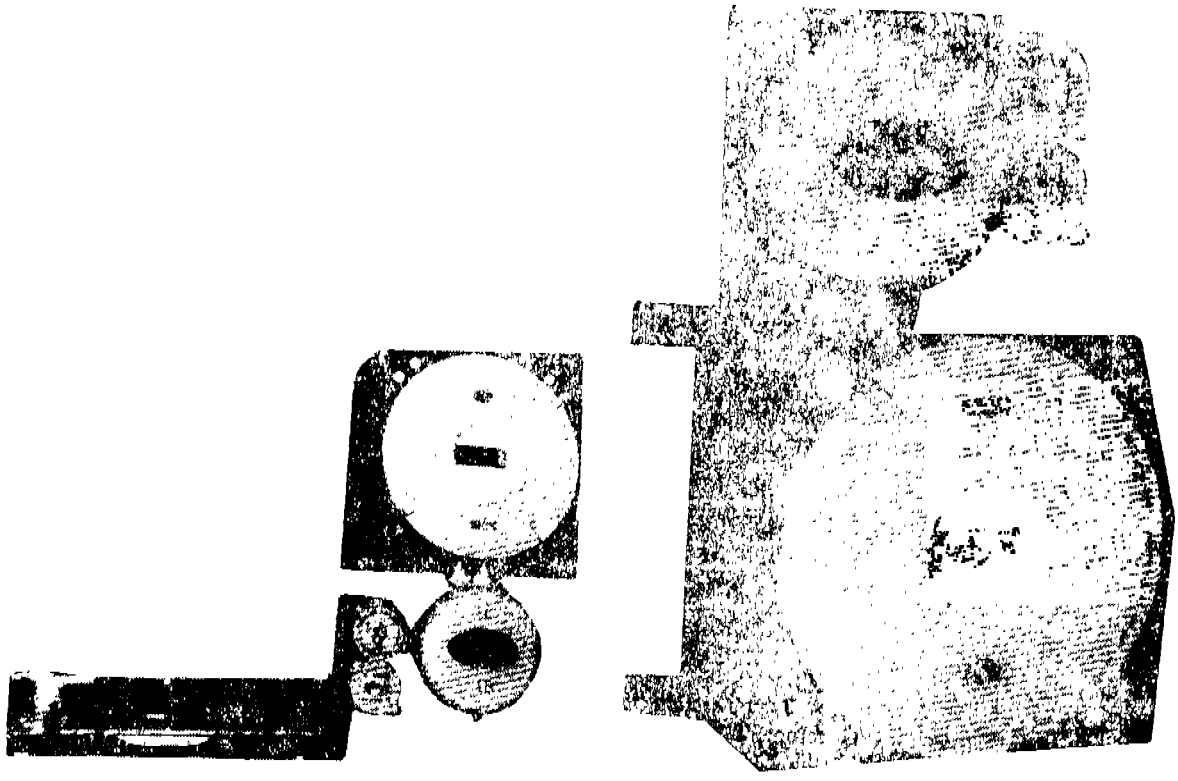
नई दिल्ली, 25 मार्च, 1996

का. आ. 1144—केन्द्रीय सरकार को विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बाट और माप मानक अधिनियम 1976 (1976 का 60) और बाट और माप मानक माडल का अनुमोदन नियम 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि उक्त माडल लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा।

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 36 उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यथार्थता वर्ग 3 के टाईप

अंकीय संप्रदर्श और "प्रो. व्हे." ब्रांड नाम वाले स्वतः सूचक गैर स्वचालित कस्टम बिल्ट इलेक्ट्रोनिक प्लेटफार्म तोलन उपकरण के माडल का जिसे इसमें इसके पश्चात माडल कहा गया है जिसका विनिर्माण मैसर्स इंटेलीजेन्ट माईक्रो सिस्टम प्राईवेट लिमिटेड, अन्ना नगर ईस्ट मद्रास, 600102 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई. एन. डी. 09/95/41 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

माडल (आकृति देखिए) एक मध्यम यर्थाथता (यर्थाथता वर्ग 3) का कस्टम बिल्ट इलेक्ट्रोनिक प्लेटफार्म तोलन मशीन है जिसकी अधिकतम क्षमता 200 किलोग्राम और न्यूनतम क्षमता 1 किलोग्राम है, सत्यापन मापमान अन्तर (ई) 50 ग्राम है। इसमें एक टेपर युक्ति है जिसका व्यकलनात्मक प्रतिधारण टेयर प्रभाव 100 प्रतिशत है। भारग्राही आयताकार आकृति का है जिसका पार्श्व 500 × 400 मिली मीटर है। प्रकाश उत्सर्जक संप्रदर्श तोल परिणाम उपदर्शित करता है यह उपकरण 230 वोल्ट 50 हर्टज के प्रत्यावर्ती धारा विद्युत प्रदाय पर प्रचालित होता है।



आगे केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त के अनुसार और उसी सामग्री से जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 100 किलोग्राम, 200 किलोग्राम, और 300 किलोग्राम की अधिकतम क्षमता वाले समरूप मेक यर्थार्थता और कार्यकरण वाले तोलन उपकरण भी है।

[फा. सं. डब्ल्यू एम 21 (70)/94]
राजीव श्रीवास्तव, संयुक्त सचिव

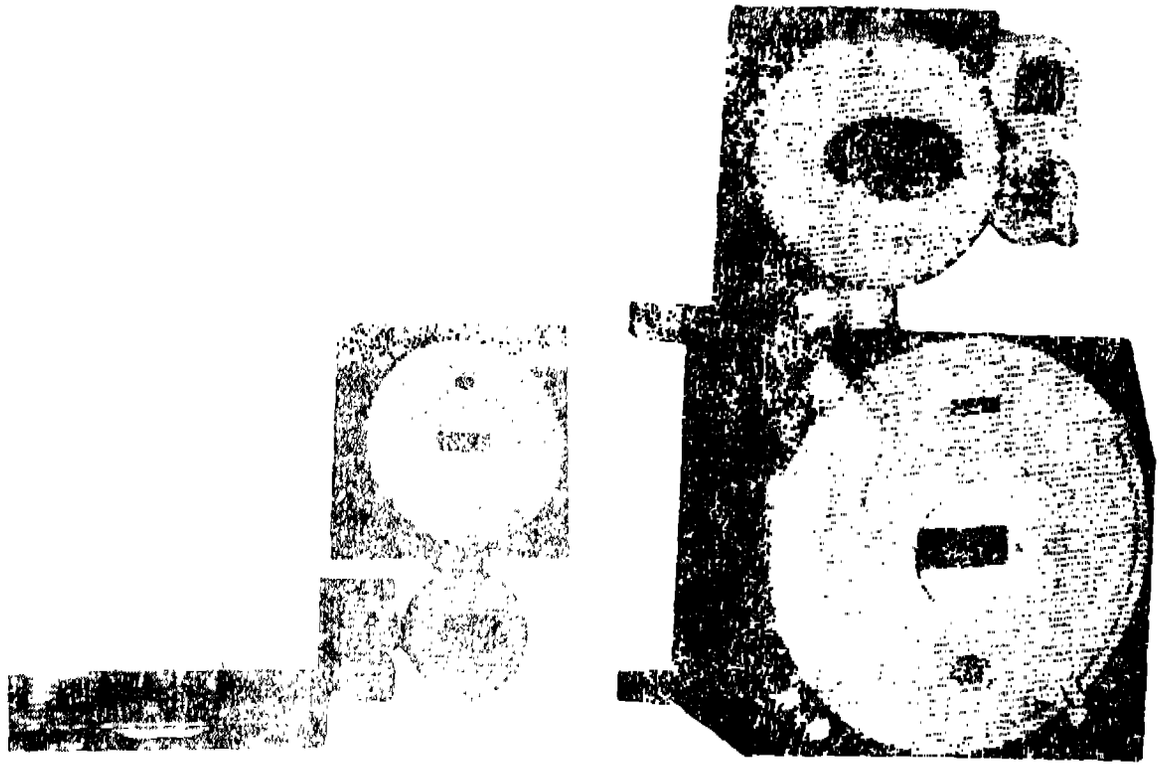
New Delhi, the 15th March, 1996

S.O. 1144.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of Model of self-indicating non-automatic custom built electronic platform weighing instrument with digital display of type and brand name "PRO-WEIGH" of accuracy class III (hereinafter referred to as the Model) manufactured by M/s. Intelligent Micro System Pvt. Ltd., Anna Nagar East, Madras-600102, which is assigned the approval mark IND/09/95/41;

The Model (see figure) is a medium accuracy (accuracy class III) is a custom built electronic platform weighing machine with a maximum capacity of 200 kilogram and minimum capacity of 1.0 kg. The verification scale interval (e) is 50 gram. It has a tare device with a 100 per cent

substractive retained tare effect. The load receptor is of rectangle shape of sides 500×400 millimetre. The LED display indicates the weighing result. The instrument operates on 230 volts, 50 hertz alternate current power supply.



(figure)

Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance with a maximum capacity of 100 kg, 200 kg and 300 kg manufactured by the same manufacturer in accordance with the same principle and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(70)|94]
RAJIV SRIVASTAVA, Jt. Secy.

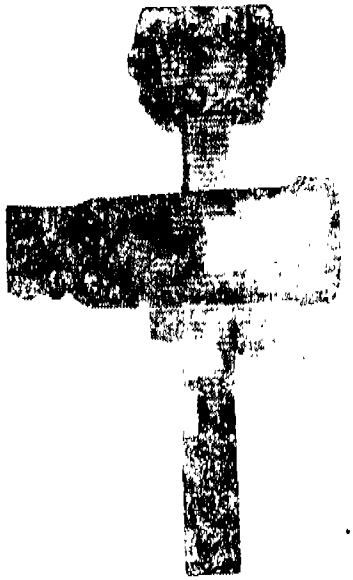
नई दिल्ली, 26 मार्च, 1996

का. आ. 1145 केन्द्रीय सरकार की विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक माडल का अनुमोदन नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि उक्त माडल लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा ;

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 36 उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मध्यम यथार्थता वर्ग 3 का और "वेटेक्स" ट्रैडमार्क वाला डब्ल्यू-505 सीरीज टाइप के स्वत: सूचक गैर-स्वाचालित यांत्रिक तुला चौकी के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैसर्स वेटेक्स स्केलस 1449) एम आई ई, बहादुर गढ़, हरियाणा द्वारा किया गया है और जिसे अनुमोदन चिह्न आई. एन. डी. 89/95/55 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है ;

माडल (आकृति देखिए) एक मध्यम यर्थाथता (यर्थाथता वर्ग 3) की तुला चौकी है जिसकी अधिकतम क्षमता 40 टन और न्यूनतम क्षमता 100 किलोग्राम है । सत्यापन मापमान अन्तर (ई) 5 किलोग्राम है इसमें एक टयर युक्ति है जिसका व्यकलनात्मक प्रतिधारण टेयर प्रभाव 100 प्रतिशत है भारग्राही आयाताकार सेक्शन का

है । जिसके पार्श्व 10×3 मीटर हैं स्टील यार्ड/डायल स्केल तोल परिणाम उपदर्शित करता है ।



आगे, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 20 टन /5 किलोग्राम, 30 टन/ 5 किलोग्राम, 50 टन/ 5 किलोग्राम और 60 टन/ 5 किलोग्राम, की अधिकतम क्षमता वाले और 'ई/ मान के समरूप मैक यथार्थता और उसी सिरीज के कार्यकरण वाले तोलन उपकरण भी है ।

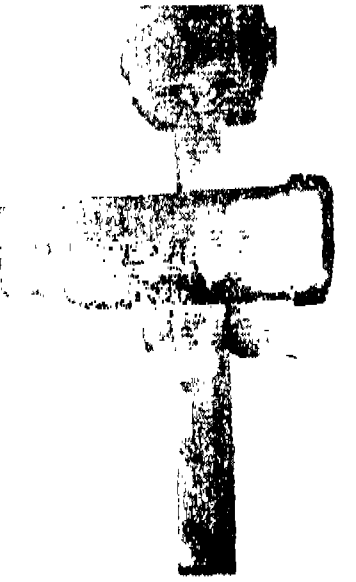
[फा. स. डब्ल्यू एम 21(44)/94]
राजीव श्रीवास्तव, संयुक्त सचिव

New Delhi, the 26th March, 1996

S.O. 1145.—Whereas the Central Government after considering the report submitted to it by the prescribed authority, (see figure below) is satisfied that the Model described in the said report is in confirmity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under veried conditions;

Now therefore, in exercise of the powers conferred by sub-section (7) and (8) of section 36 of the said Act the Central Government hereby publishes the certificate of approval of the model of the self-indicating non-automatic mechanical weighbridge of type "W-505" series of class III medium accuracy and with the trade mark "WEIGHTEX" (hereinafter called the model) manufactured by M/s. Weightex Scales, 1949, M.I.E., Bahadurgarh, Haryana, and which is assigned the approval mark IND/09/95/55.

The model (see figure) is a medium accuracy (accuracy class III) weighbridge with a maximum capacity of 40 tonne and minimum capacity of 100 kilogram. The verification scale interval (e) is 5 kilogram. The load receptor is of rectangular section of sides 10×3 metre. The steel yard/dial scale indicates the weighing result.



(figure)

Further, in exercise of the powers cinferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity and 'e' value of 20 tonne/5kg, 30t/5kg, 50t/5kg and 60t/5kg manufactured by the same manufacturer in accordance with the same principle and with the same materials with which, the approved model has been manufactured.

[File No. WM 21(44)/94]
RAJIV SRIVASTAVA, Jt. Secy.

परमाणु ऊर्जा विभाग

मुंबई, 26 मार्च, 1996

का.आ. 1146—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधियोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत सरकार के परमाणु ऊर्जा विभाग की अधिसूचना सं. का.आ. 1507 तारीख 28 अप्रैल 1981 को अधिक्रांत करते हुए नीचे दी सारणी के स्तंभ 1 में उल्लिखित यूरेनियम कारपोरेशन आफ इंडिया लि. के अधिकारी को, जो भारत सरकार के राजपत्रित अधिकारी के रैंक के समतुल्य अधिकारी हैं, उक्त अधिनियम के प्रयोजन के लिये संपदा अधिकारी नियुक्त करती है, जो उक्त सारणी के स्तंभ 2 में की तत्स्थानी प्रविष्टि में विनिर्दिष्ट सरकारी स्थानों की बाबत उक्त अधिनियम द्वारा या उसके अधीन संपदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और उन पर अधिरोपित कर्तव्यों का निर्वहन करेगा ।

सारणी

अधिकारी का पदनाम	सरकारी स्थान
1	2
अपर प्रबंधक (प्रशासन) यूरेनियम कारपोरेशन आफ इंडिया लि. डाकघर-जादूगुड़ा माइन्स, जिला-सिंहभूम, बिहार	यूरेनियम कारपोरेशन आफ इंडिया, डाकघर-जादूगुड़ा माईन्स जिला-सिंहभूम, बिहार के प्रशासनिक नियंत्रणाधीन स्थान

[सं. 4/10(21)/88-पी एस यू-1/575]
के. रविंद्रन, अवर सचिव

DEPARTMENT OF ATOMIC ENERGY

Mumbai , the 26th March, 1996

S.O. 1146.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) and in supersession of the notification of the Government of India in the Department of Atomic Energy, No. SO 1507, dated the 28th April, 1981, the Central Government hereby appoints the officer of the Uranium Corporation of India Limited mentioned in column 1 of the Table below, being an officer equivalent to the rank of Gazetted Officer of the Government of India, to be Estate Officer for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed, on estate officers by or under the said Act in respect of the Public Premises specified in the corresponding entry in column 2 of the said Table.

TABLE

Designation of the Officer	Public Premises
1	2
Additional Manager (Administration), Uranium Corporation of India Limited, P.O. Jaduguda Mines, District : Singhbhum, Bihar.	Premises under the administrative control of the Uranium Corporation of India Limited, P.O. Jaduguda Mines, District : Singhbhum, Bihar.

[No. 4/10(21)/88-PSUI/575]

K. RAVEENDRAN, Under Secy.

पैट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 26 मार्च, 1996

का. आ. 1147.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि राजस्थान राज्य में चाकसू से हरियाणा राज्य में पानीपत तक पैट्रोलियम के परिवहन के लिए इंडियन आयल कारपोरेशन द्वारा पाइपलाइन बिछाई जाए ;

और ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिए अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है ;

अतः अब, केन्द्रीय सरकार, पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन), अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, उस तारीख से जिसको, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध में उनमें उपयोग के अधिकार का अर्जन करने सम्बन्धी लिखित रूप में आक्षेप श्री जे. के. झा, सक्षम प्राधिकारी, इंडियन आयल कारपोरेशन लिमिटेड, कोडला भटिंडा पाइप लाइन परियोजना, 1158, सैक्टर 13, अर्बन एस्टेट, करनाल, हरियाणा को कर सकता है ।

अनुसूची

तहसील : आबल जिला : रिवाड़ी राज्य : हरियाणा

गांव का नाम	हदबस्त सं.	मुस्ततील किला सं.	क्षेत्रफल हेक्टेयर	आरे	सेन्टी आरे
1	2	3	4	5	6
खण्डोरा	50	81			
		10	0	29	59
तहसील : रिवाड़ी		जिला : रिवाड़ी		राज्य : हरियाणा	
हुसैनपुर	134	38			
		17/2	0	00	10
कुतुबपुर मोला	131	26			
		19	0	05	06
		22	0	04	81
		42			
		13/1/1	0	00	76
		18	0	01	01
		19	0	00	12
कालमाजरा	126	9			
		21/2/1	0	00	25
		21/2/2	0	01	01
		19/1	0	01	26
		19/2	0	01	77
		20	0	02	02
		15			
		10	0	00	76
		11	0	02	78
शिवोखर	113	38			
		16	0	00	25
		24	0	02	28
		25	0	06	07
		39			
		12	0	02	02
सिसाना	220	9			
		16	0	03	04
		25	0	05	06
		10			
		3	0	03	79
		4	0	14	92
		7	0	18	97
		8	0	32	38
		9/1	0	02	53
		9/2	0	00	51
		11	0	02	28
		12/1/1	0	07	33
		12/1/2	0	09	61
		12/2/1	0	01	01
		12/2/2	0	11	13
		10			
		13/1	0	02	03

1	2	3	4	5	6
		13/2	0	07	08
		19/1	0	00	05
		19/2	0	06	32
		20	0	26	30
		21/1	0	08	09
		21/2	0	17	70
		21			
		1	0	20	74
		10	0	07	59
		22			
		5	0	01	26
		15	0	00	10
		108	0	05	06
रोहराई	230	61			
		6	0	02	78
		15	0	04	30

तहसील : झज्जर		जिला : रोहतक		राज्य : हरियाणा	
गिजाड़ोद	260	32			
		3	0	01	77
		8	0	01	77
सिलानीपाना खालसा	262	18			
		12	0	06	07
गोराबड़	106	20			
		21	0	00	25
		22	0	03	29
		27			
		1	0	02	78
		2	0	01	77
		9	0	02	02
		10/1	0	00	76
		13	0	02	02

तहसील : रोहतक		जिला : रोहतक		राज्य : हरियाणा	
ईसमाईला 9 बिसवा	38	21			
		18	0	02	02
पाकसमा	57	102			
		25/1/1	0	02	02
		25/1/2	0	00	25
		25/2/1	0	00	03
		103			
		5/1/1	0	00	25
		5/1/2	0	01	26
		5/2	0	01	52
		212	0	01	01
नानौद	43	74			
		15	0	00	76

तहसील : गोहाना		जिला : सोनीपत		राज्य : हरियाणा	
खावली	71	86			
		25	0	10	87

तहसील : पानीपत		जिला : पानीपत		राज्य : हरियाणा	
1	2	3	4	5	6
ईसराना	66,67	135			
		13	0	06	07
		17	0	00	25
		18	0	01	26
		25	0	01	52
		144			
		5	0	00	76
		335	0	00	51
कासलां	41	28			
		17	0	01	01
		23	0	03	04
		24	0	00	51
		44			
		3	0	04	81
		22/2	0	01	77
		659	3	00	51
ऊंटला	44	11			
		14	0	01	26

[संख्या : आर-31015/4/96-ओ. आर-I]
के. सी. कटोच, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 26th March, 1996

S.O. 1147.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Chaksu in the state of Rajasthan to Panipat in the state of Haryana pipeline should be laid by Indian Oil Corporation Limited;

And, whereas, it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may within twenty one days from the date of which the copies of this notification, as published in the Gazette of India are made available to the general public,object in writing to the acquisition of the right of user therein of laying of the pipeline under the land to Shri J.K. Jha, Competent Authority, Indian Oil Corporation Limited, Kandla-Bhatinda Pipeline Project, 1158, Sector-13, Urban Estate, Karnal (Haryana).

SCHEDULE

Tehsil : Bawal District : Rewari State : Haryana

Name of Village	Hadbast No.	Mustateel Killa No.	Area		
			Hectare	Are	Centiare

1	2	3	4	5	6
Khandora	50	81			
		10	0	29	59

Tehsil : Rewari District : Rewari State : Haryana

1	2	3	4	5	6
Hussain Pur	134	38			
		17/2	0	00	10
Qutabpur Maula	131	26			
		19	0	05	06
		22	0	04	81
		42			
		13/1/1	0	00	76
		18	0	01	01
		19	0	00	12
Kanmajra	126	9			
		21/2/1	0	00	25
		21/2/2	0	01	01
		19/1	0	01	26
		19/2	0	01	77
		20	0	02	02
		15			
		10	0	00	76
		11	0	02	78
Gindokhar	113	38			
		16	0	00	25
		24	0	02	28
		25	0	96	07
		39			
		12	0	02	02
Lisana	220	9			
		16	0	03	04
		25	0	05	06
		10			
		3	0	03	79
		4	0	14	92
		7	0	18	97
		8	0	32	38
		9/1	0	02	53
		9/2	0	00	51
		11	0	02	28
		12/1/1	0	07	33
		12/1/2	0	09	61
		12/2/1	0	01	01
		12/2/2	0	11	13
		10			
		13/1	0	02	03
		13/2	0	07	08
		19/1	0	00	05
		19/2	0	06	32
		20	0	26	30
		21/1	0	08	09
		21/2	0	17	70
		21			
		1	0	20	74
		10	0	07	59
		22			
		5	0	01	26
		15	0	00	10
		108	0	05	06
Rohra	230	61			
		6	0	02	78
		15	0	04	30

: Jhajjar District : Rohtak State : Haryana

1	2	3	4	5	6
Gizarod	260	32			
		3	0	01	77
		8	0	01	77
Silani Pana Zalam	262	18			
		12	0	06	07
Gorawar	106	20			
		21	0	00	25
		22	0	03	29
		27			
		1	0	02	78
		2	0	01	77
		9	0	02	02
		10/1	0	00	76
		13	0	02	02

Tehsil : Rohtak District : Rohtak State : Haryana

1	2	3	4	5	6
Ismaila 9 Biswa	38	21			
		18	0	02	02
Pakasma	57	102			
		25/1/1	0	02	02
		25/1/2	0	00	25
		25/2/1	0	00	03
		103			
		5/1/1	0	00	25
		5/1/2	0	01	26
		5/2	0	01	52
		212	0	01	01
Naunand	43	74			
		15	0	00	76

Tehsil : Gohana District : Sonepat State : Haryana

Anwli	71	86			
		25	0	10	87

Tehsil : Panipat District : Panipat State : Haryana

Israna	66, 67	135			
		13	0	06	07
		17	0	00	25
		18	0	01	26
		25	0	01	52
		144			
		5	0	00	76
		335	0	00	51
Kalkha	41	28			
		17	0	01	01
		23	0	03	04
		24	0	00	51
		44			
		3	0	04	81
		22/2	0	01	77
		659	0	00	51
Untla	44	11			
		14	0	01	26

[No. R-31015/4/96-OR-I]

K. C. KATOCH, Under Secy.

नई दिल्ली, 2 अप्रैल, 1996

का.आ. 1148.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोक हित में ऐसा आवश्यक है कि पश्चिम बंगाल राज्य के हल्दिया से बिहार राज्य के बरौनी तक पेट्रोलियम (क्रूड) के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लि. द्वारा पाइपलाइन बिछाई जाए,

और ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है,

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति उस तारीख से जिसको, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, से 21 दिन के भीतर भूमि के नीचे पाइपलाइन बिछाने के संबंध में उनमें उपयोग के अधिकार का अर्जन करने संबंधी रूप में आक्षेप श्री विश्वनाथ बोस, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, हल्दिया-बरौनी पाइपलाइन परियोजना, पोस्ट ऑफिस हल्दिया रिफाइनरी, जिला-मिदनापुर, पश्चिमी बंगाल को कर सकता है :—

अनुसूची

पु.था. पंसकुरा — जिला-मिदनापुर — राज्य—पश्चिम बंगाल

गांव का नाम	सं.ख्या.सं.	प्लाट सं.	क्षेत्र		
			हेक्टेयर	आरे	सेंटी-आरे
1	2	3	4	5	6
पर्चरिया	249	873	0	1	19
		872	0	0	81
		871	0	0	85
		570	0	3	14
		572	0	0	69
		569	0	7	75
		560	0	1	86
		561	0	3	50
		562	0	0	44
		605	0	3	84
		602	0	0	1
		604	0	3	5
		606	0	4	90
		607	0	4	92
		515	0	3	50
		608	0	0	65
		610	0	0	1
		609	0	5	54
		531	0	1	1
		525	0	2	67
		524	0	3	61
		635	0	7	55
		523	0	0	95
		516	0	9	18
		517	0	1	58
गजई	248	577	0	0	62
		578	0	0	46
		579	0	0	4
		576	0	2	50
		575	0	3	56
		574	0	2	22
		573	0	4	11
		572	0	0	20
		585	0	0	4
		570	0	14	71
		569	0	5	1
		568	0	5	1
		549	0	5	98
		548	0	3	11
		547	0	0	20
		544	0	2	14
		545	0	8	21
		538	0	0	1
		443	0	9	74
		444	0	4	17
		441	0	0	16
		440	0	4	17
		545	0	4	17
		439	0	1	73
		446	0	3	54
		437	0	7	65
		433	0	1	52
		458	0	2	28
		432	0	8	42
		431	0	3	39
		427	0	6	72
		426	0	0	44
		607	0	2	59
		413	0	7	37
		414	0	0	24
		412	0	1	94
		411	0	0	83
		410	0	3	50
		317	0	0	24
		318	0	12	11
		319	0	0	1
		311	0	11	2
		257	0	1	15
		256	0	5	14
		190	0	0	20
		146	0	15	11
		145	0	5	86
		144	0	4	8
		149	0	0	4
		135	0	4	54
		143	0	0	64
		136	0	8	17
		139	0	3	24

1	2	3	4	5	6
		138	0	6	1
		137	0	0	4
		92	0	1	78
		93	0	10	6
		99	0	0	37
		91	0	0	24
		94	0	5	32
		75	0	6	81
		95	0	0	24
		73	0	4	8
		72	0	0	51
		71	0	6	12
		69	0	3	57
		70	0	0	91
		67	0	1	29
		21	0	5	45
		18	0	5	45
		17	0	18	40
		16	0	0	74
रामचन्द्रपुर	250	761	0	7	28
		762	0	0	74
		760	0	7	61
		759	0	2	3
		758	0	1	39
		629	0	0	24
		627	0	16	42
		625	0	0	24
		624	0	9	51
		623	0	3	71
		610	0	4	18
		609	0	2	50
		608	0	2	29
		1193	0	2	80
		607	0	3	33
		603	0	8	49
		601	0	8	98
		459	0	3	5
		458	0	0	36
		39	0	4	73
		37	0	0	69
		38	0	7	23
		25	0	1	78
		24	0	1	62
		23	0	2	78
		1127	0	7	79
		1145	0	1	4
		21	0	4	73
		22	0	0	20
		20	0	5	61
		18	0	0	74
		19	0	6	96
		89	0	2	7
		90	0	0	41
		91	0	8	67
		97	0	2	4
		96	0	10	57
		98	0	0	76
		95	0	0	16
मनोहरपुर	252	538	0	3	94
		537	0	1	11
		934	0	5	12
		935	0	3	41
		545	0	1	52
		546	0	9	74
		544	0	0	28
		553	0	3	48
		1135	0	0	83
		1134	0	0	12
		555	0	4	79
		554	0	2	60
		562	0	6	96
		1139	0	6	23
		565	0	7	51
		564	0	0	77
		578	0	0	49
		579	0	5	56
		580	0	4	40
		582	0	4	50
		584	0	0	99
		1149	0	0	16
		585	0	6	88
		586	0	0	4
		589	0	8	90
		590	0	3	89
		1151	0	3	42
		1157	0	2	8
		1158	0	0	12
		1091	0	0	24
		420	0	2	36
		419	0	13	28
		612	0	0	16
		418	0	0	1
		407	0	8	63
		408	0	5	28
		409	0	1	94
		410	0	1	55
		411	0	3	89
		397	0	0	1
		396	0	1	5
		395	0	6	96
		393	0	5	93
		390	0	1	25
		665	0	5	34
		394	0	1	94
		1086	0	4	40
		400	0	0	30
		655	0	1	11
		933	0	0	20
		666	0	0	24

1	2	3	4	5	6
राईचक	253	1006	0	0	44
		1007	0	3	61
		811	0	2	43
		810	0	4	54
		809	0	7	65
		808	0	6	12
		807	0	0	8
		804	0	7	99
		1011	0	0	8
		799	0	3	71
		800	0	1	76
निजखयरा	254	1	0	7	62
		17	0	3	33
		38	0	5	35
		39	0	0	12
		40	0	0	16
		30	0	3	64
		37	0	0	55
		36	0	1	74
		35	0	0	36
		34	0	4	47
		33	0	3	98
		32	0	6	64
		31	0	0	1
		89	0	5	17
		90	0	0	28
		88	0	4	17
		87	0	3	71
		954	0	3	19
		86	0	6	17
		81	0	0	12
		83	0	6	12
		101	0	2	22
		102	0	0	36
		103	0	5	42
		104	0	2	63
		239	0	7	23
		240	0	4	8
		241	0	1	94
		420	0	4	59
		242	0	0	49
		243	0	0	1
		419	0	6	40
		248	0	5	84
		415	0	2	50
		249	0	5	84
		414	0	0	36
		269	0	16	70
		268	0	1	39
		267	0	1	39
		265	0	2	28
		266	0	8	99
		276	0	0	8
		277	0	3	89

पु.था.-दासपुर जिला मिदनापुर राज्य-पश्चिम बंगाल

1	2	3	4	5	6
नारायणचक	238	945	0	0	12
		946	0	4	49
		976	0	6	23
		977	0	5	1
		920	0	11	97
		919	0	5	28
		911	0	5	84
		910	0	4	17
		904	0	2	5
		902	0	2	5
		901	0	1	62
		900	0	0	4
		899	0	0	16
		898	0	1	62
		897	0	4	0
		885	0	6	26
		886	0	0	69
		884	0	5	39
		1217	0	2	28
गोमोकपोटा	237	1	0	3	33
		688	0	4	56
		686	0	2	56
		687	0	13	8
		692	0	4	22
		693	0	1	62
		694	0	0	69
		704	0	3	1
		1922	0	5	56
		715	0	3	75
		714	0	0	83
		716	0	0	1
		717	0	7	23
		1950	0	2	87
		729	0	3	5
		730	0	4	17
		731	0	2	29
		732	0	0	12
		733	0	6	40
		734	0	0	32
		1955	0	3	28
		736	0	3	20
		735	0	3	1
		929	0	0	4
		928	0	0	24
		927	0	3	51
		926	0	5	56
		925	0	6	54
		1612	0	0	8
		1648	0	0	4
		1647	0	0	8
		1607	0	1	78
		1608	0	0	74
		1609	0	0	62

1	2	3	4	5	6
शो पिकपांटा (जारी)		1624	0	01	50
		1623	0	6	68
		1621	0	0	8
		1622	0	3	71
		1620	0	0	1
		1619	0	1	39
		1720	0	6	1
		1719	0	5	20
		1728	0	0	4
		1727	0	2	92
		1729	0	5	87
		1752	0	0	20
		1730	0	3	71
		1731	0	3	1
		1751	0	0	83
		1734	0	12	75
		1745	0	0	1
		1733	0	0	1
		1735	0	0	1
		1736	0	3	33
		1737	0	0	83
		1613	0	0	1
सीतापुर	235	3384	0	0	32
		3399	0	16	14
		3397	0	0	8
		3398	0	0	70
		3402	0	4	18
		3419	0	0	4
		3418	0	0	1
		3417	0	7	98
		3450	0	2	78
		3451	0	4	18
		3449	0	0	42
		4139	0	6	68
		3472	0	1	11
		4140	0	0	12
		4141	0	3	72
		4145	0	2	99
		4146	0	15	69
		4147	0	0	90
		4148	0	1	39
		4149	0	1	81
		4150	0	2	82
		4168	0	1	62
		4169	0	2	9
		4170	0	3	83
		4175	0	1	6
		4171	0	6	88
		4166	0	6	10
		4172	0	0	4
		4182	0	2	78
		4183	0	3	34
		3415	0	7	47
जोटघनश्याम	240	741	0	3	5
		742	0	3	53
		743	0	0	40
		744	0	1	48
		748	0	2	3
		747	0	2	22
		746	0	1	62
		745	0	4	90
		757	0	0	63
		758	0	2	3
		776	0	6	23
		760	0	0	4
		769	0	5	2
		767	0	2	51
		768	0	2	36
		765	0	2	23
		895	0	0	4
		901	0	2	63
		896	0	1	48
		900	0	2	84
		902	0	0	55
		906	0	3	8
		899	0	3	62
		897	0	0	12
		898	0	2	11
		909	0	0	8
		908	0	4	69
		907	0	5	13
		911	0	1	47
		8409	0	0	65
		913	0	0	20
पालशापई	156	1949	0	2	22
		1950	0	0	92
		1951	0	0	69
		1952	0	1	78
		1948	0	5	5
		1968	0	3	63
		1966	0	1	25
		1965	0	2	95
		1967	0	3	25
		1962	0	1	39
		1961	0	0	16
		1974	0	5	1
		1975	0	2	55
		1987	0	0	12
		1986	0	0	10
		1985	0	1	48
		444	0	1	78
		1984	0	2	78
		1979	0	0	66
		1980	0	0	12
		1982	0	0	1
		2096	0	3	67

1	2	3	4	5	6
पालणापई (जारी)		1991	0	0	1
		1992	0	1	48
		1993	0	1	66
		2095	0	1	4
		3294	0	2	29
		3295	0	0	32
		2092	0	3	2
		2093	0	2	18
		2066	0	1	44
		2067	0	3	18
		2068	0	7	42
		2069	0	1	1
		2070	0	0	1
		2079	0	3	5
		2080	0	2	0
		2081	0	0	74
		2078	0	0	27
		2077	0	0	48
		2764	0	1	94
		2766	0	0	91
		1783	0	6	12
		3212	0	0	4
		3213	0	4	58
		3214	0	0	46
		1983	0	5	66
		2762	0	0	12
		2091	0	0	32
		2763	0	0	1
		2084	0	0	1
		2076	0	0	69
जोयरामचक	157	1795	0	7	63
		1796	0	7	23
		1805	0	5	10
		1806	0	0	72
		1807	0	1	85
		1808	0	2	78
		3232	0	5	72
		3231	0	0	1
		1825	0	13	8
		3230	0	0	4
		1828	0	7	47
		3154	0	1	22
		3134	0	1	78
		1829	0	5	84
		1834	0	0	1
		3108	0	4	34
		1853	0	9	47
		1861	0	0	55
		1855	0	0	18
		1854	0	3	91
		1850	0	0	34
		1856	0	2	22
		1857	0	5	36
		1449	0	3	15
		1118	0	5	57
		1117	0	3	34
		1116	0	1	50
		1114	0	0	83
		1112	0	0	97
		1113	0	5	6
		1108	0	3	34
		1109	0	0	1
		1106	0	3	26
		1023	0	1	67
		1105	0	0	85
		1064	0	3	24
		1003	0	2	78
		1024	0	2	93
		1065	0	2	78
		1068	0	2	8
		1061	0	0	55
		1069	0	0	95
		1069	0	1	48
		1072	0	0	95
		3091	0	0	61
		3124	0	2	47
		1085	0	1	81
		1074	0	1	88
		1084	0	2	29
		1081	0	0	3
		1082	0	0	4
		1083	0	2	55
		961	0	2	47
		963	0	4	24
		962	0	4	70
		959	0	0	1
		956	0	9	46
		949	0	0	8
		950	0	2	98
		951	0	2	71
		952	0	0	97
		945	0	3	11
		922	9	9	58
		921	0	0	42
		917	0	0	57
		916	0	6	1
		910	0	5	52
		907	0	1	42
		906	0	3	52
		892	0	1	67
		991	0	1	53
		889	0	0	1
		890	0	3	53
		886	0	0	24
		894	0	0	32
		885	0	3	78
		876	0	1	43
		875	0	0	61
		876	0	0	74

1	2	3	4	5	6
		877	0	0	83
		874	0	3	48
		859	0	0	8
		860	0	1	4
		961	0	1	46
		862	0	0	40
		851	0	0	81
		850	0	0	93
		844	0	1	27
		843	0	1	11
		838	0	2	67
		837	0	0	1
		823	0	4	97
		822	0	3	56
		791	0	1	35
		797	0	2	78
		795	0	2	92
		796	0	0	94
		794	0	3	6
		3283	0	2	67
		978	0	1	32
		976	0	6	84
		977	0	0	67
		982	0	1	95
		983	0	0	60
		3076	0	0	1
		2984	0	7	51
		3130	0	0	74
		990	0	6	59
		988	0	1	22
		989	0	0	24
		2998	0	3	28
		2997	0	1	30
		2996	0	0	24
		2992	0	4	18
		2995	0	4	18
		2994	0	5	17
		3008	0	1	54
		3009	0	0	59
		3010	0	1	48
		3011	0	2	59
		3013	0	2	0
		2869	0	5	62
		2872	0	2	0
		2873	0	3	48
		2865	0	1	95
		2967	0	0	72
		2886	0	3	83
		2844	0	1	48
		2845	0	5	51
		2851	0	0	1
		2846	0	1	93
		2841	0	7	63
		2830	0	4	94
		2820	0	2	28
		2821	0	5	57
		2817	0	0	1
		2822	0	0	1
		1824	0	1	11
		790	0	0	4
		2999	0	0	83
पंचगछिया भाग एक	158	881	0	0	12
		880	0	0	16
		879	0	0	62
		878	0	2	13
		876	0	3	34
		875	0	4	82
		874	0	7	3
		868	0	5	1
		867	0	3	34
		866	0	5	29
		865	0	7	1
		705	0	11	89
		704	0	0	25
		709	0	10	21
		708	0	0	81
		717	0	2	8
		716	0	2	8
		718	0	0	41
		732	0	5	29
		733	0	2	89
		738	0	4	26
		729	0	3	20
		739	0	3	15
		740	0	5	36
		742	0	0	1
		741	0	0	27
		512	0	4	24
		511	0	4	45
		513	0	0	21
		461	0	4	45
		463	0	3	89
		464	0	4	45
		465	0	6	12
		470	0	2	92
		469	0	2	92
		471	0	5	56
		442	0	45	84
		441	0	3	6
		431	0	0	1
		430	0	2	22
		435	0	2	67
		436	0	0	12
केलोगोडा	174	2372	0	7	35
		2373	0	3	73
		2374	0	1	67
		2375	0	3	31
		2376	0	1	62
		2378	0	2	69
		2379	0	1	53
		2380	0	3	1

1	2	3	4	5	6
		2381	0	2	41
		2383	0	3	87
		2390	0	1	21
		2391	0	0	13
मधुमपुर	228	1087	0	0	16
		1088	0	3	65
		1089	0	0	36
		1092	0	0	1
		1093	0	2	78
		1082	0	1	94
		808	0	2	4
		807	0	2	59
		1083	0	2	73
		789	0	1	40
		790	0	1	78
		791	0	0	76
		792	0	0	37
		793	0	0	61
		794	0	0	64
		795	0	0	92
		796	0	0	58
		781	0	3	89
		780	0	1	30
		778	0	0	69
		779	0	0	46
		782	0	0	27
		783	0	0	4
		777	0	2	80
		775	0	0	32
		776	0	2	89
		771	0	5	1
		23	0	0	55
		24	0	1	94
		25	0	1	20
		26	0	0	12
		27	0	0	10
		21	0	1	11
		22	0	0	69
		29	0	1	39
		50	0	2	32
		33	0	7	42
		49	0	0	83
		34	0	3	11
		35	0	2	13
		45	0	1	20
		43	0	2	11
		44	0	8	63
		427	0	2	81
		428	0	0	4
		426	0	3	24
		435	0	4	25
		425	0	0	32
		436	0	4	49
		424	0	0	41
		457	0	3	70
		423	0	0	44
		434	0	0	89
		438	0	7	5
		422	0	1	20
		524	0	9	57
		525	0	9	35
		526	0	9	90
		527	0	0	12
		530	0	9	74
		531	0	0	34
		533	0	14	3
		532	0	0	92
		534	0	3	6
		535	0	3	62
		536	0	3	34
		537	0	0	1
		541	0	0	18
		1646	0	3	11
		1645	0	0	27
		1653	0	9	2
		1654	0	3	6
		1655	0	2	89
		1684	0	0	45
		1685	0	7	6
		1686	0	4	28
		1687	0	0	1
		1723	0	4	84
		1722	0	9	74
		1720	0	10	61
		1730	0	0	24
		1719	0	10	86
		1717	0	5	12
		1749	0	2	7
		1750	0	6	57
		1752	0	17	54
		1776	0	5	45
		1779	0	3	6
		1885	0	4	56
		1884	0	3	33
		1883	0	1	75
		1888	0	0	21
		1889	0	0	74
		1879	0	2	22
फरीदपुर	227	421	0	6	40
		420	0	7	63
		419	0	0	29
		428	0	4	56
		429	0	5	36
		430	0	1	81
		431	0	0	24
		434	0	0	20
		1585	0	10	2
		265	0	2	10

1	2	3	4	5	6
		293	0	6	39
		294	0	3	89
		276	0	1	59
		292	0	5	73
		292	0	0	46
		272	0	6	96
		278	0	0	1
		279	0	4	3
		271	0	0	1
		280	0	0	70
		160	0	2	43
		157	0	4	37
		171	0	1	23
		162	0	0	20
		154	0	1	89
		153	0	1	4
		152	0	0	89
		156	0	0	58
		155	0	2	22
		1515	0	4	17
		115	0	6	38
		149	0	0	16
		116	0	0	1
		94	0	0	53
		951	0	2	89
		78	0	5	74
		77	0	0	24
		80	0	7	98
		82	0	4	2
		83	0	0	55
		81	0	0	69
		86	0	0	4
		84	0	0	55
		66	0	3	34
		837	0	2	78
		838	0	2	78
		835	0	3	89
		836	0	1	25
		1565	0	4	8
		1566	0	1	11
		1568	0	3	45
		1569	0	4	87
		846	0	0	16
		845	0	13	50
		869	0	3	57
		868	0	1	12
		1571	0	7	49
		1572	0	0	16
		866	0	1	81
		865	0	1	67
		1070	0	2	43
		1073	0	5	80
		1071	0	3	24
		1072	0	1	44
		1964	0	2	2
		79	0	1	78
उत्तरबार	222	97	0	5	29
		96	0	8	80
		95	0	5	29
		90	0	13	64
		91	0	0	1
		12	0	1	25
		2558	0	1	30
		11	0	21	58
		9	0	0	55
		10	0	5	84
चेनपत	216	13300	0	3	34
		169	0	4	35
		58	0	10	58
		158	0	12	79
		157	0	0	74
		155	0	3	14
		162	0	1	3
		147	0	4	45
		146	0	4	90
		148	0	4	1
		145	0	5	84
		192	0	0	46
		193	0	3	17
		194	0	0	32
		195	0	0	72
		196	0	1	75
		197	0	2	56
		198	0	2	37
		208	0	2	92
		200	0	0	24
		201	0	4	54
		202	0	1	36
		248	0	9	47
		249	0	4	40
		250	0	5	96
		246	0	6	68
		251	0	0	46
		245	0	3	6
		244	0	3	62
		322	0	1	86
		323	0	0	4
		333	0	9	74
		332	0	0	8
		326	0	0	16
		327	0	3	93
		331	0	0	42
		328	0	3	34
		396	0	3	25
		395	0	15	37
		392	0	0	65
		391	0	2	8

1	2	3	4	5	6
		408	0	3	34
		409	0	3	62
		381	0	6	88
		382	0	0	8
		380	0	3	89
		379	0	2	78
		377	0	4	73
		376	0	2	22
		673	0	3	18
		674	0	0	1
		375	0	0	1
		672	5	0	1
		679	0	7	52
		680	0	7	24
		681	0	4	73
		682	0	2	9
		692	0	6	96
		693	0	0	4
		689	0	0	4
		691	0	7	52
		700	0	1	20
		690	0	3	62
		701	0	1	46
		7823	0	5	41
		7799	0	0	97
		7820	0	0	83
		7810	0	2	65
		7811	0	3	12
		7812	0	1	86
		7808	0	0	81
		7809	0	0	4
		7807	0	1	30
		7804	0	0	16
		7805	0	1	67
		7806	0	1	41
		7813	0	0	41
		7789	0	1	25
		7790	0	2	78
		7794	0	1	14
		7788	0	0	4
		7791	0	8	7
		13702	0	0	16
		6061	0	3	62
		6062	0	6	68
		6063	0	1	95
		6064	0	10	86
		6016	0	19	9
		6017	0	7	10
		6013	0	0	37
		6004	0	0	48
		6002	0	7	94
		6005	0	5	43
		6001	0	0	83
		5958	0	5	57
		5957	0	5	98
		5955	0	0	65
		5956	0	6	56
		5901	0	4	73
		5904	0	0	83
		13739	0	1	0
		5905	0	1	39
		5907	0	0	20
		5908	0	4	87
		5909	0	1	64
		5936	0	8	35
		5913	0	10	86
		5915	0	3	76
		5927	0	0	37
		5925	0	0	1
		5917	0	2	78
		5916	0	1	26
		5918	0	2	32
		5921	0	0	70
		3728	0	0	1
		5923	0	1	16
		5922	0	1	51
		5924	0	0	65
		12123	0	3	31
		12124	0	7	31
		12134	0	0	1
		12138	0	0	1
		12137	0	0	83
		12125	0	3	86
		12126	0	1	23
		12127	0	1	30
		13467	0	5	15
		12112	0	0	14
		12110	0	1	67
		12111	0	0	33
		12103	0	4	7
		12104	0	0	42
		12102	0	0	1
		12099	0	2	8
		12253	0	2	22
		12254	0	2	65
		12255	0	0	1
		12250	0	0	67
		12094	0	1	11
		12093	0	0	1
		12096	0	1	95
		12097	0	0	46
		12252	0	5	9
		12259	0	0	20
		12288	0	0	12
		12260	0	2	94
		12261	0	3	6
		12285	0	4	94
		12284	0	0	48
		12283	0	0	70

1	2	3	4	5	6
		12282	0	0	1
		12273	0	1	52
		12276	0	9	91
		12274	0	6	13
		13296	0	4	87
		12591	0	0	56
		13295	0	1	16
		12594	0	0	8
		12590	0	0	8
		12592	0	4	73
		12599	0	1	67
		12047	0	0	56
		13695	0	7	94
		12696	0	1	82
		12693	0	9	74
		12691	0	1	53
		12692	0	1	37
		12690	0	0	86
		12725	0	11	14
		12689	0	1	30
		12735	0	2	81
		12736	0	2	81
		12734	0	0	8
		12737	0	2	78
		12738	0	1	42
		12739	0	0	24
		12743	0	1	1
		12744	0	11	61
		12750	0	1	5
		12751	0	0	4
		12752	0	4	33
		13757	0	0	16
		12756	0	5	41
		12855	0	8	91
		12754	0	1	75
		12823	0	7	80
		12796	0	5	57
		12797	0	5	54
		12822	0	0	1
		12798	0	4	1
		12799	0	2	22
		12800	0	2	0
		12801	0	3	90
		12794	0	0	1
		12775	0	3	6
छोरी अयोध्या	214	1459	0	6	40
		1381	0	0	84
		1382	0	7	81
		1383	0	8	32
		1384	0	1	18
		1385	0	0	46
		1386	0	0	44
		1377	0	0	1
		1373	0	42	40
		1374	0	4	28
		1369	0	6	96
		3836	0	1	18
		3838	0	0	4
		1368	0	10	89
		1357	0	6	79
		1231	0	10	3
		1356	0	0	1
		1232	0	3	29
		1234	0	9	19
		1235	0	3	34
		1236	0	4	18
		1237	0	1	14
		1238	0	0	1
		1241	0	12	25
		1242	0	4	9
		1217	0	0	1
		1216	0	0	41
		1215	0	1	4
		1195	0	1	34
		1194	0	3	34
		1193	0	1	50
		1192	0	0	27
		1248	0	0	88
		3696	0	5	51
		1244	0	2	56
		1157	0	3	34
		1158	0	1	39
		1159	0	18	38
		1162	0	7	66
		1167	0	1	84
		1163	0	9	95
		1164	0	1	16
		1138	0	1	16
		1137	0	5	10
		1136	0	9	35
		113	0	11	33
		1124	0	6	26
		1125	0	2	95
		1128	0	1	65
		1121	0	1	43
		1120	0	10	73
		1118	5	4	40
		1119	0	0	6
		1111	0	0	8
		1099	0	9	19
		1098	0	0	71
		1095	0	8	91
		1094	0	2	78
		1100	0	0	8
		1093	0	1	79
		1092	0	6	29
		1090	0	0	94
		1091	0	2	39
		1117	0	0	48

1	2	3	4	5	6
बीरी मंडीछवा (जारी)		1096	0	0	58
		2181	0	0	55
भागवतीपुर	211	2749	0	9	33
		2747	0	6	68
		2737	0	12	25
		2738	0	0	40
		2735	0	6	79
		2730	0	4	73
		2731	0	5	4
		2732	0	1	27
		2734	0	0	1
		2720	0	2	50
		2719	0	8	39
		2718	0	0	24
		2717	0	1	11
		2716	0	2	92
		2715	0	2	41
		2378	0	4	40
		2392	0	3	34
		2394	0	11	80
		2397	0	6	96
		2415	0	1	11
		2450	0	19	11
		2449	0	5	38
		2417	0	0	4
		2418	0	1	5
		2426	0	7	60
		2427	0	11	61
		2447	0	0	8
		2274	0	7	21
		2275	0	0	89
		2276	0	6	68
		2292	0	8	82
		2296	0	11	96
		2297	0	1	87
		2298	0	0	92
		2991	0	1	66
		2990	0	2	78
		2989	0	4	28
		2988	0	3	9
		2987	5	3	5
		2986	0	2	89
		2983	0	8	59
		2985	0	0	4
		2984	0	10	57
		2978	0	11	13
		2339	0	5	12
		2977	0	0	24
		2336	0	0	32
		2976	0	11	69
		2761	0	4	45
		2762	0	0	16
		2760	0	5	10
		2759	0	0	64
		2758	0	10	30
		2750	0	0	1
		2444	0	5	13
		2442	0	0	16
		2443	0	1	0
		2721	0	0	22
		2295	0	0	1
जोट-कालू रोहगढ़	212	3549	0	1	5
		1392	0	5	29
		1391	0	1	54
		1390	0	3	0
		1192	0	1	11
		1193	0	6	24
		1194	0	0	66
		1195	0	1	0
		1196	0	6	22
		1197	0	10	30
		1223	0	8	55
		1222	0	9	74
		1225	0	0	1
		1230	0	4	40
		1229	0	4	79
		1274	0	7	73
		1273	0	1	92
		1275	0	0	58
		1272	0	10	80
		1268	0	9	87
		1269	0	2	80
		1267	0	3	49
		1290	0	0	20
		3540	0	4	85
		1291	0	0	58
		1292	0	2	64
		1293	0	7	46
		3539	0	0	1
		1305	0	9	13
		1300	0	1	60
		1304	0	3	28
		1303	0	3	56
		1335	0	6	1
		739	0	8	60
		738	0	0	23
		740	0	3	90
		741	0	5	5
		724	0	3	6
		725	0	3	17
		726	0	2	86
		728	0	6	68
		727	0	0	1
		706	0	0	60
		663	0	6	3
		664	0	3	64
		665	0	0	12
		659	0	8	51
		658	0	1	48

1	2	3	4	5	6
जोर कानुरागढ़ (जारी)		657	0	10	36
		656	0	2	33
		655	0	4	45
		647	0	6	52
		646	0	5	29
		645	0	6	1
		2340	0	0	1
		640	0	1	78
		2340	0	6	68
		2386	0	0	69
		2385	0	7	75
		2384	0	1	12
		2383	0	0	93
		2388	0	1	11
		2381	0	1	25
		2389	0	3	34
		2403	0	0	67
		2402	0	1	4
		2401	0	2	37
		2404	0	2	92
		2405	0	2	64
		2377	0	0	4
		2382	0	1	41

[सं. आर-31015/5/96-ओ.आर-1]

के. सी. कटोच, अवर सचिव

New Delhi, the 2nd April, 1996

S.O. 1148.—Wheres it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum (crude) from Haldia in the State of West Bengal to Barauni in the State of Bihar, pipeline should be laid by the Indian Oil Corporation Limited;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said schedule may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the Pipeline under the land to Shri Biswanath Bose, Competent Authority, Indian Oil Corporation Limited, Haldia-Barauni Pipeline Project, Post Office–Haldia Refinery, District–Midnapur, West Bengal.

SCHEDULE

P.S.—Panskura District : Midnapur State : West Bengal

Name of village	JL. No.	Plot No.	Area		
			Hectare)	Are	Centiare
1	2	3	4	5	6
Pathria	249	873	0	1	19
		872	0	0	81
		871	0	0	85
		570	0	3	14
		572	0	0	69
		569	0	7	75
		560	0	1	86
		561	0	3	50
		562	0	0	44
		605	0	3	84
		602	0	0	1
		604	0	3	5
		606	0	4	90
		607	0	4	92
		515	0	3	50
		608	0	0	65
		610	0	0	1
		609	0	5	54
		531	0	1	1
		525	0	2	67
		524	0	3	61
		635	0	7	55
		523	0	0	55
		516	0	9	18
		517	0	1	58
Gajai	248	577	0	0	62
		578	0	0	46
		579	0	0	4
		576	0	2	50
		575	0	3	56
		574	0	2	22
		573	0	4	11
		572	0	0	20
		585	0	0	4
		570	0	14	71
		569	0	5	1
		568	0	5	1
		549	0	5	98
		548	0	3	11
		547	0	0	20
		544	0	2	14
		545	0	8	21
		538	0	0	1
		443	0	9	74
		444	0	4	17
		441	0	0	16
		440	0	4	17
		445	0	4	17
		439	0	1	73
		446	0	3	54
		437	0	7	65
		433	0	1	52
		458	0	2	28
		432	0	8	42
		431	0	3	39
		427	0	6	72
		426	0	0	44
		607	0	2	59

1	2	3	4	5	6
Pathria (Contd.)		413	0	7	37
		414	0	0	24
		412	0	1	94
		411	0	0	83
		410	0	3	50
		317	0	0	24
		318	0	12	11
		319	0	0	1
		311	0	11	2
		257	0	1	15
		256	0	5	14
		190	0	0	20
		146	0	15	11
		145	0	5	86
		144	0	4	8
		149	0	0	4
		135	0	4	54
		143	0	0	64
		136	0	8	17
		139	0	3	24
		138	0	6	1
		137	0	0	4
		92	0	1	78
		93	0	10	6
		99	0	0	37
		91	0	0	24
		94	0	5	32
		75	0	6	81
		95	0	0	24
		73	0	4	8
		72	0	0	51
		71	0	6	12
		69	0	3	57
		70	0	0	91
		67	0	1	29
		21	0	5	45
		18	0	5	45
		17	0	18	40
		16	0	0	74
Ramchandrapur	250	761	0	7	28
		762	0	0	74
		760	0	7	61
		759	0	2	3
		758	0	1	39
		629	0	0	24
		627	0	16	42
		625	0	0	24
		624	0	9	51
		623	0	3	71
		610	0	4	18
		609	0	2	50
		608	0	2	29
		1193	0	2	80
		607	0	3	33
		603	0	8	49
		601	0	8	98
		459	0	3	5
		458	0	0	36
		39	0	4	73
		37	0	0	69
		38	0	7	23
		25	0	1	78
		24	0	1	62
		23	0	2	78
		1127	0	7	79
		1145	0	1	4
		21	0	4	73
		22	0	0	20
		20	0	5	61
		18	0	0	74
		19	0	6	96
		89	0	2	7
		90	0	0	41
		91	0	8	67
		97	0	2	4
		96	0	10	57
		98	0	0	76
		95	0	0	16
Manoharpur	252	538	0	3	94
		537	0	1	11
		934	0	5	12
		935	0	3	41
		545	0	1	52
		546	0	9	74
		544	0	0	28
		553	0	3	48
		1135	0	0	83
		1134	0	0	12
		555	0	4	79
		554	0	2	60
		562	0	6	96
		1139	0	6	23
		565	0	7	51
		564	0	0	77
		578	0	0	49
		579	0	5	56
		580	0	4	40
		582	0	4	50
		584	0	0	99
		1149	0	0	16
		585	0	6	88
		586	0	0	4
		589	0	8	90
		590	0	3	89
		1151	0	3	42
		1157	0	2	8
		1158	0	0	12
		1091	0	0	24
		420	0	2	36
		419	0	13	28
		612	0	0	16
		418	0	0	1
		407	0	8	63
		408	0	5	28
		409	0	1	94
		410	0	1	55
		411	0	3	89
		397	0	0	1
		396	0	1	5
		395	0	6	96
		393	0	5	93
		390	0	1	25
		665	0	5	34
		394	0	1	94
		1086	0	4	40
		400	0	0	30
		655	0	1	11
		933	0	0	20
		666	0	0	24
Raichak	253	1006	0	0	44
		1007	0	3	61

1	2	3	4	5	6
Raic hk (Contd.)		811	0	2	43
		810	0	4	54
		809	0	7	65
		808	0	6	12
		807	0	0	8
		804	0	7	99
		1011	0	0	8
		799	0	3	71
		800	0	1	76
Nijkhayra	254	1	0	7	62
		17	0	3	33
		38	0	5	35
		39	0	0	12
		40	0	0	16
		30	0	3	64
		37	0	0	55
		36	0	1	74
		35	0	0	36
		34	0	4	47
		33	0	3	98
		32	0	6	64
		31	0	0	1
		89	0	5	17
		90	0	0	28
		88	0	4	17
		87	0	3	71
		954	0	3	19
		86	0	6	17
		81	0	0	12
		83	0	6	12
		101	0	2	22
		102	0	0	36
		103	0	5	42
		104	0	12	63
		239	0	7	23
		240	0	4	8
		241	0	1	94
		420	0	4	59
		242	0	0	49
		243	0	0	1
		419	0	6	40
		248	0	5	84
		415	0	2	50
		249	0	5	84
		414	0	0	36
		269	0	16	70
		268	0	1	39
		267	0	1	39
		265	0	2	28
		266	0	8	99
		276	0	0	8
		277	0	3	89

P.S.—Daspur Dist-Midnapur State-West Bengal

Narayanchak	238	945	0	0	12
		946	0	4	49
		976	0	6	23
		977	0	5	1
		920	0	11	97
		919	0	5	28
		911	0	5	84
		910	0	4	17
		904	0	2	5
		902	0	2	5
		901	0	1	62
		900	0	0	4
		899	0	0	16
		898	0	1	62
		897	0	4	0
		885	0	6	26
		886	0	0	69
		884	0	5	39
		1217	0	2	28
Gomokpota	237	1	0	3	33
		688	0	4	56
		686	0	2	56
		687	0	13	8
		692	0	4	22
		693	0	1	62
		694	0	0	69
		704	0	3	1
		1922	0	5	56
		715	0	3	75
		714	0	0	83
		716	0	0	1
		717	0	7	23
		1950	0	2	87
		729	0	3	5
		730	0	4	17
		731	0	2	29
		732	0	0	12
		733	0	6	40
		734	0	0	32
		1955	0	3	28
		736	0	3	20
		735	0	3	1
		929	0	0	4
		928	0	0	24
		927	0	3	51
		926	0	5	56
		925	0	6	54
		1612	0	0	8
		1648	0	0	4
		1647	0	0	8
		1607	0	1	78
		1608	0	0	74
		1609	0	0	62
		1624	0	10	50
		1623	0	6	68
		1621	0	0	8
		1622	0	3	71
		1620	0	0	1
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Jotghanashyam	240	741	0	3	5
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Panchgachhia Part-I	158	881	0	0	12
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Dori Ayodhya	214	1459	0	6	40
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		1382	0	7	81
		1383	0	8	32
		1384	0	1	18
		1385	0	0	46
		1386	0	0	44
		1377	0	0	1
		1373	0	4	40
		1374	0	4	28
		1369	0	6	96
		3836	0	1	16
		3838	0	0	4
		1368	0	10	89
		1357	0	6	7
		1231	0	10	3
		1356	0	0	1
		1232	0	3	29
		1234	0	9	19
		1235	0	3	34
		1236	0	4	18
		1237	0	1	14
		1238	0	0	1
		1241	0	12	25
		1242	0	4	9
		1217	0	0	1
		1216	0	0	41
		1215	0	1	4
		1195	0	1	34
		1194	0	3	34
		1193	0	1	50
		1192	0	0	27
		1243	0	0	88
		3696	0	5	51
		1244	0	2	56
		1157	0	3	34
		1158	0	1	39
		1159	0	18	38
		1162	0	7	66
		1167	0	1	84
		1163	0	9	95
		1164	0	1	16
		1138	0	1	16
		1137	0	5	10
		1136	0	9	35
		1130	0	11	33
		1124	0	6	26
		1125	0	2	95
		1123	0	1	65
		1121	0	1	43
		1120	0	10	72
		1118	0	4	40
		1119	0	0	8
		1111	0	0	8
		1099	0	9	19
		1098	0	0	71
		1095	0	8	91
		1094	0	2	78
		1100	0	0	8
		1093	0	1	79
		1092	0	5	29
		1090	0	0	94
		1091	0	2	29
		1117	0	0	48
		1096	0	0	58
		2181	0	0	55
Bhagabatipur	211	2749	0	9	33
		2747	0	6	68
		2737	0	12	25
		2736	0	6	40
		2735	0	6	79
		2730	0	4	73
		2731	0	5	4
		2732	0	1	27
		2734	0	0	1
		2720	0	2	50
		2719	0	8	39
		2718	0	0	24
		2717	0	1	11
		2716	0	2	92
		2715	0	2	41
		2378	0	4	40
		2392	0	3	34
		2394	0	11	80
		2397	0	6	96
		2415	0	1	11
		2450	0	19	11
		2449	0	5	38
		2417	0	0	4
		2418	0	1	5
		2426	0	7	60
		2427	0	11	61
		2447	0	0	8
		2274	0	7	21
		2275	0	0	89
		2276	0	6	68
		2292	0	8	82
		2296	0	11	96
		2297	0	1	87
		2298	0	0	92
		2991	0	1	66
		2990	0	2	78
		2989	0	4	28
		2988	0	3	5
		2987	0	3	5
		2986	0	2	89
		2983	0	8	59
		2985	0	0	4
		2984	0	10	57
		2978	0	11	13
		2329	0	5	12
		2977	0	0	24
		2336	0	0	32
		2976	0	11	69

1	2	3	4	5	6
		2761	0	4	45
		2762	0	0	16
		2760	0	5	10
		2759	0	0	64
		2758	0	10	30
		2750	0	0	1
		2444	0	5	13
		2442	0	0	16
		2443	0	1	0
		2721	0	0	22
		2295	0	0	1
Jote	212	3549	0	1	5
Kanuramgarh		1392	0	5	29
		1391	0	1	54
		1390	0	3	6
		1192	0	1	11
		1193	0	6	24
		1194	0	0	66
		1195	0	1	0
		1196	0	6	22
		1197	0	10	30
		1223	0	8	55
		1222	0	9	74
		1225	0	0	1
		1230	0	4	40
		1229	0	4	79
		1274	0	7	73
		1273	0	1	92
		1275	0	0	58
		1272	0	10	80
		1268	0	9	37
		1269	0	2	80
		1267	0	3	49
		1290	0	0	20
		3540	0	4	85
		1291	0	0	58
		1292	0	2	64
		1293	0	7	46
		3539	0	0	1
		1305	0	9	13
		1300	0	1	60
		1304	0	3	28
		1303	0	3	56
		1335	0	6	1
		739	0	8	60
		738	0	0	23
		740	0	3	90
		741	0	5	5
		724	0	3	6
		725	0	3	17
		726	0	2	86
		728	0	6	68
		727	0	0	1
		706	0	0	60
		663	0	6	3
		664	0	3	64
		665	0	0	12
		659	0	8	51
		658	0	1	48
		657	0	10	36
		656	0	2	33
		655	0	4	45
		647	0	6	52
		646	0	5	29
		645	0	6	12
		2340	0	0	1
		640	0	1	78
		2348	0	6	68
		2386	0	0	69
		2385	0	7	75
		2384	0	1	12
		2383	0	0	93
		2388	0	1	11
		2381	0	1	25
		2389	0	3	34
		2403	0	0	67
		2402	0	1	4
		2401	0	2	37
		2404	0	2	92
		2405	0	2	64
		2377	0	0	4
		2382	0	1	41

]No. R. 31015/5/96-OR-1]
K.C. KATOCH, Under Secy.

नई दिल्ली, 4 अप्रैल, 1996

का. आ. 1148.—केन्द्रीय सरकार, पट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसरण में, नीचे दी गई अनुसूची के स्तंभ (1) में उल्लिखित प्राधिकारी को, उक्त अनुसूची के स्तंभ (2) में की तत्स्थानी प्रविष्टि में उल्लिखित क्षेत्रों के भीतर, उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का निर्वहन करने के लिए प्राधिकृत करती है, अर्थात्:—

अनुसूची

प्राधिकारी का नाम और पता	क्षेत्र
(1)	(2)
श्री राजेश कुमार गोयल, आर. ए. एस., भूमि अर्जन अधिकारी, द्वारा इंडियन आयल कारपोरेशन लिमिटेड, (वीरमगाम—चाकसू—पानीपत पाइपलाइन प्रोजेक्ट) बी-21 ए, शिवमार्ग, वनीपार्क, जयपुर-302016	राजस्थान राज्य

[सं. आर.—31015/48/93—ओ. आर.-I]
के. सी. कटोच, अवर सचिव

New Delhi, the 4th April, 1996

S.O. 1149.—In pursuance to clause (a) of section 2 of the Petroleum & Minerals Pipelines (Acquisition of Right of user in land) Act, 1962 (50 of 1962), the Central Government hereby authorise the authority mentioned in Column 1 of the Schedule below to perform the function of the Competent Authority under the said Act, within the areas mentioned in the corresponding entry in column 2 of the said Schedule.

SCHEDULE

Authority's name and Address	Areas
1	2
Shri Rajesh Kumar Goyal, R.A.S. Land Acquiition Officer, C/o Indian Oil Corporation Limited, (Viramgam-Chaksu-Panipat Pipeline Project) B-21A, Shiv Marg, Bani Park, Jaipur-302016	State of Rajasthan

[F.No. R-31015/48/93-OR-I]

K.C. KATOCH, Under Secy.

संशोधन

नई दिल्ली, 4 अप्रैल, 1996

का. आ. 1150.—भारत के राजपत्र दिनांक 15-10-94 के भाग (II) खण्ड-3 उपखण्ड (ii) में पेट्रोलियम और प्राकृतिक गस मंत्रालय, भारत सरकार के का. आ. संख्या 2787 दिनांक 22-9-94 से पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अंतर्गत प्रकाशित अधिसूचना जो कि ग्राम जोगीपुरा तहसील जौरा, जिला मुरैना के संबंध में थी, को निम्नानुसार पढ़ा जाए ।

राजपत्र के अनुसार			निम्न संशोधन के अनुसार पढ़ा जाए	
क्र.सं.	सर्वे संख्या	क्षेत्रफल हेक्टेयर में	सर्वे संख्या	क्षेत्रफल हेक्टेयर में
2.	336	0.1100	349	0 0980
	—	—	350	0.0120
3.	335	0.2038	348	0.2038
4.	339	0.2685	351	0 2685
5.	337	0.2339	352	0.2339
6.	356	1.0501	360/1,2	0 0400
	—	—	360/5,6,7	0.2231
	—	—	358/1,2	0.0050
	—	—	359	0.0480
	—	—	358/3,4,5	0.2200
	—	—	378	0 1480
	—	—	377	0.3660
11.	309	1.1850	308/7	0.2820
	—	—	308/1	0.2100
	—	—	308/6	0.3290
	—	—	308/4	0.3340

[संख्या-एल—14016/8/95-जी. पी.]

अर्धेन्दु सेन, निदेशक

CORRIGENDUM

New Delhi, the 4th April, 1996

S.O.....1150. .— In the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 2787 dated 22-9-94 published on 15-10-94 under sub section (i) of section 3 of the Petroleum and Mineral Pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) in respect of village Jogipura, Tehsil Jaura, District Morena be read as follows :—

As per Gazette			Be Read as Corrected below	
Sr. No.	Survey No.	Area in Hectare	Survey No.	Area in Hectare
2.	336	0.1100	349	0.0980
	—	—	350	0.0120
3.	335	0.2038	348	0.2038
4.	339	0.2685	351	0.2685
5.	337	0.2339	352	0.2339
6.	356	1.0501	360/1,2,	0.0400
	—	—	360/5,6,7	0.2231
	—	—	358/1,2	0.0050
	—	—	359	0.0480
	—	—	358/3,4,5	0.2200
	—	—	378	0.1480
	—	—	377	0.3660
11.	309	1.1850	308/7	0.2820
	—	—	308/1	0.2400
	—	—	308/6	0.3290
	—	—	308/4	0.3340

[No.L-14016/8/95—G.P.]

ARDHENDU SEN, Director

संशोधन

नई दिल्ली, 4 अप्रैल, 1996

का.आ. 1151 भारत के राजपत्र दिनांक 15-10-94 के भाग-2 खण्ड-3 उपखण्ड (ii) में पैट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का.आ. संख्या 2787 दिनांक 22-9-94 से पेट्रोलियम और खनिज पाईप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अंतर्गत प्रकाशित अधिसूचना जो कि ग्राम आरेठी तहसील जौरा जिला मुरैना के संबंध में थी, को निम्नानुसार पढ़ा जाये ।

राजपत्र के अनुसार			निम्न संशोधन के अनुसार पढ़ा जाये	
क्र.सं.	सर्वे संख्या	क्षेत्रफल हेक्टेयर में	सर्वे संख्या	क्षेत्रफल हेक्टेयर में
2.	331	0.2624	332/1	0.0430
	—	—	332/2	0.1480
	—	—	333/	0 1050
6	328	0.0150	334	0.1050
	—	—	335	0.1050
10.	324	0.0170	336	0.0220
41.	111	0.0369	107	0.4180
42.	120	0.0495	—	—

[संख्या एल-14016/8/95-जी.पी.]

अर्धेन्दु सेन, निदेशक

CORRIGENDUM

New Delhi, the 4th April, 1996

S.O. 1151.— In the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 2787 dated 22-9-94 published on 15-10-94 under sub section (i) of section 3 of the

Petroleum and Mineral Pipeline (Acquisition of Right of Users in Land) Act,1962 (50 of 1962) in respect of village Aarenti, Tehsil Jaura, District Morena be read as follows :—

As per Gazette			Be read as corrected below	
Sr. No.	Survey No.	Area in Hectare	Survey No.	Area in Hectare
2.	331	0.2624	332/1	0.0430
	—	—	332/2	0.1480
	—	—	333	0.1050
6.	328	0.0150	334	0.1050
	—	—	335	0.1050
10.	324	0.0170	336	0.0220
41.	111	0.0369	107	0.4180
42.	120	0.0495	—	—

[No. L-14016/8/95—G.P.]

ARDHENDU SEN, Director

संशोधन

नई दिल्ली, 4 अप्रैल, 1996

का. आ. 1152.—भारत के राजपत्र दिनांक 28-3-95 के भाग-2 खण्ड-3 उपखण्ड(ii) में पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का.आ. संख्या 256(अ) दिनांक 24-3-95 से पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अन्तर्गत प्रकाशित अधिसूचना जो कि ग्राम जोगीपुरा, तहसील जौरा, जिला मुरैना के संबंध में थी, को निम्नानुसार पढ़ा जाये।

राजपत्र के अनुसार			निम्न संशोधन के अनुसार पढ़ा जाये	
क्र.सं.	सर्वे संख्या	क्षेत्रफल हैक्टेयर में	सर्वे संख्या	क्षेत्रफल हैक्टेयर में
10.	310	0.6195	310/1	0.2100
	—	—	310./2	0.4095
22.	266	0.6174	266/1	0.6174
48.	100/1	1.3050	100/1	0.3700
	—	—	100/2	0.2150
	—	—	100/3	5.2400
	—	—	100/4	0.0600
	—	—	100/5	0.0700
	—	—;	100/6	0.3500
49.	126/1	0.5138	126/4	0.5138
54.	142	0.5578	142/1	0.3378
	—	—	142/2	0.2200
55.	143	0.2312	143/1	0.1312
	—	—	143/2	0.1000

[संख्या एल-14016/8/95 जी.पी.]

अर्धेन्दु सेन, निदेशक

CORRIGENDUM

New Delhi, the 4th April, 1996

S. O. 1152.—In the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 256(E) dated 24-3-95 published on 28-3-95 under sub section (i) of section 6 of the

Petroleum and Mineral Pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) in respect of village Jogipura, Tehsil Jaura, District Morena be read as follows :—

As per Gazette			Be read as corrected below	
Sr. No.	Survey No.	Area in Hectare	Survey No.	Area in Hectare
10.	310	0.6195	310/1	0.2100
	—	—	310/2	0.4095
22.	266	0.6174	266/1	0.6174
48.	100/1	1.3050	100/1	0.3700
	—	—	100/2	0.2150
	—	—	100/3	0.2400
	—	—	100/4	0.0600
	—	—	100/5	0.0700
	—	—	100/6	0.3500
49.	126/1	0.5138	126/4	0.5138
54.	142	0.5578	142/1	0.3378
	—	—	142/2	0.2200
55.	143	0.2312	143/1	0.1312
	—	—	143/2	0.1000

[No. L-14016/8/95:G.P.]

ARDHENDU SEN, Director

संशोधन

नई दिल्ली, 4 अप्रल, 1996

का. आ.—.1153 भारत के राजपत्र दिनांक 28-3-95 के भाग-2 खण्ड-3 उपखण्ड (2) में पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का.आ. संख्या 256(अ) दिनांक 24-3-95 से पट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अन्तर्गत प्रकाशित अधिसूचना जो कि ग्राम आरेंठी तहसील जौरा जिला मुरैना के संबंध में थी को निम्नानुसार पढ़ा जाये।

राजपत्र के अनुसार			निम्न संशोधन के अनुसार पढ़ा जाये	
क्रम सं.	सर्वे संख्या	क्षेत्रफल हैक्टेयर में	सर्वे संख्या	क्षेत्रफल हैक्टेयर में
3.	330	00.2708	330	00.0630
4.	329	00.1650	329	00.1150
5.	338	00..225	338	50.1260
7.	325	00.2964	325	00.0530
8.	339	00.0172	339	00.0930
9.	340	55.2004	340	00.2522
11.	341	00.2238	341	00.2920
12.	322	00.0532	322/2	00.0215
30.	108	00.5227	108/2	00.1530
	—	—	108/3	05.0150
40.	109	00.5000	109/1	00.0530
	—	—	109/5	00.2821
	—	—	109/6	00.1880

[संख्या एल-14016/8/95-जी.पी.]

अर्धेन्दु सेन, निदेशक

CORRIGENDUM

New Delhi, the 4th April, 1996

S. O. 1153.— In the Gazette of India Ministry of Petroleum and Natural Gas S.O.No. 256(E) dated 24-3-95 published on 28-3-95 under sub section (i) of section 6 of the Petroleum and Mineral Pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) in respect of village Aarenti, Tehsil Jaura, District Morena be read as follows :

As per Gazette			Be read as corrected below	
Sr. No.	Survey No.	Area in Hectare	Survey No.	Area in Hectare
3.	330	00.2708	330	00.0630
4.	329	00.1650	329	00.1150
5.	238	00.0225	338	00.1260
7.	325	00.2964	325	00.0530
8.	339	00.0172	329	00.0930
9.	340	00.2004	340	00.2522
11.	341	00.2238	341	00.2920
12.	322	00.0532	322/2	00.0215
39.	108	00.5227	108/2	00.1530
	—	—	108/3	00.0150
40.	109	00.5000	109/1	00.0530
	—	—	109/5	00.2820
	—	—	109/6	00.1880

[No. L-14016/8/95—G.P.]

ARDHENDU SEN, Director

संशोधन

नई दिल्ली, 4 अप्रैल, 1996

का.आ. 1154.—भारत के राजपत्र दिनांक 28-3-95 के भाग-2 खण्ड 3 उपखण्ड (ii) में पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का.आ. संख्या 269(अ) /24-03-95 से पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अन्तर्गत प्रकाशित अधिसूचना जो कि ग्राम तराबटा, तहसील गुना, जिला गुना के संबंध में थी, को निम्नानुसार पढ़ा जाये।

राजपत्र के अनुसार			निम्न संशोधन के अनुसार पढ़ा जाये	
क्र.सं.	सर्वे संख्या	क्षेत्रफल हैक्टेयर में	सर्वे संख्या	क्षेत्रफल हैक्टेयर में
5.	363	00.0950	—	—
9.	378	00.0125	378	00.1075

[संख्या एल-14016/8/95—जी.पी.]

अर्धेन्दु सेन, निदेशक

CORRIGENDUM

New Delhi, the 4th April, 1996

S. O. 1154.—In the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 269(E) dated 24-3-95 published on 28-3-95 under sub section (i) of section 6 of the Petroleum and Mineral Pipeline (Acquisition of Right of Users in land) Act, 1962 (50 of 1962) in respect of village Travata, Tehsil Guna, District Guna be read as follows :—

As per Gazette			Be read as corrected below	
Sr. No.	Survey No.	Area in Hectare	Survey No.	Area in Hectare
5.	363	00.0950	—	—
9.	378	00.0125	378	00.1075

[No. L-14016/8/95—G.P.]

ARDHENDU SEN, Director

संशोधन

नई दिल्ली, 4 अप्रैल, 1996

का.आ. 115.—भारत के राजपत्र दिनांक 21-4-95 के भाग-2 खण्ड-3, उपखण्ड (2) में पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का.आ. संख्या 377(अ)/19-4-95 से पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962(1962 का 50) की धारा 6 की उपधारा (1) के अन्तर्गत प्रकाशित अधिसूचना जो कि ग्राम धमनार, तहसील गुना, जिला गुना के संबंध में थी, को निम्नानुसार पढ़ा जाये।

राजपत्र के अनुसार			निम्न संशोधन के अनुसार पढ़ा जाये	
क्र.सं.	सर्वे संख्या	क्षेत्रफल हैक्टेयर में	सर्वे संख्या	क्षेत्रफल हैक्टेयर में
36.	579	0.2400	582/2	0.2400

[संख्या एल-14016/8/95-जी.पी.]

अर्धेन्दु सेन, निदेशक

CORRIGENDUM

New Delhi, the 4th April, 1996

S. O. 1155.—In the Gazette of India, Ministry of Petroleum and Natural Gas S.O. No. 377(E) dated 19-4-95 published on 21-4-95 under sub-section (i) of section 6 of the Petroleum and Mineral Pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) in respect of village Dhamnar, Tehsil Guna, District Guna be read as follows :

As per Gazette			Be read as corrected below	
Sr. No.	Sruvey No.	Area in Hectare	Survey No.	Area in Hectare
36.	579	0.2400	582/2	0.2400

[No. L-14016/8/95—G.P.]

ARDHENDU SEN, Director

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 21 मार्च, 1996

का. आ. 1156.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, (1956 का 102) की धारा की उपधारा (4) के साथ पठित धारा 3 की उपधारा (i) के खण्ड (ख) के अनुसरण में आचार्य और न्याय आयुर्विज्ञान के विभागाध्यक्ष, मोती लाल नेहरु मेडिकल कालेज, इलाहाबाद के डा. यू. एस. सिन्हा को 19 अक्तूबर, 1995 से 2 दिसंबर, 1997 तक भारतीय आयुर्विज्ञान परिषद् का सदस्य होने के लिए इलाहाबाद विश्वविद्यालय की सभा द्वारा निर्वाचित किया गया है,

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 3 की उपधारा (i) के खंड (ख) के अनुसरण में, भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की अधिसूचना सं. का. आ. 138, तारीख 9 जनवरी, 1960 में निम्नलिखित और संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में, "धारा 3 की उपधारा (i) के खंड (ख) के अधीन "निर्वाचित शीर्षक के नीचे क्रम सं. 27 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टियां रखी जाएंगी अर्थात:—

"27 प्रचार्य यू एस. सिन्हा, इलाहाबाद विश्वविद्यालय
प्रचार्य और न्याय आयुर्विज्ञान के विभागाध्यक्ष
मोती लाल नेहरु कालेज इलाहाबाद।

[सं. बी. 11013/23/95—एम ई (यू जी.)]

एस. के. मिश्रा, डैस्क अधिकारी

पाद टिप्पणी :—अधिसूचना का आ सं. 138 दिनांक 9 जनवरी, 1960 में प्रकाशित हुए थे।

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 21st March, 1996

S.O. 1156.—Whereas in pursuance of clause (b) of sub-section (1) of section 3 read with section 7, sub-section (4) of the Indian Medical Council Act, 1956 (102 of 1956) Dr. U.S. Sinha, Professor and Head of the Department of Forensic Medicine, Moti Lal Nehri Medical College, Allahabad has been elected by the Court of Allahabad University to be a member of Medical Council of India from 19th October, 1995 upto 2nd December, 1997;

Now, therefore, in pursuance of clause (b) of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the erstwhile Ministry of Health number S.O. 138, dated the 9th January, 1960, namely :—

In the said notification, under the heading "Elected under clause (b) of sub-section (1) of section 3" for serial number 27 and the entries relating thereto, the following serial number and entries shall be substituted, namely :—

27. Prof. U. S. Sinha, .. Allahabad University"
Professor and Head of
Forensic Medicine Department,
Moti Lal Nehru Medical College,
Allahabad.

[No. V. 11013/23/95-ME(UG)]

S. K. MISHRA, Desk Officer

Foot Note.—The principal notification was published in the Gazette of India vide S.O. 138, dated 9th January, 1960.

रेल मंत्रालय

(रेलवे बोर्ड)

आदेश

नई दिल्ली, 4 जून, 1992

का. आ. 1157.—सिविल प्रक्रिया संहिता 1908 (1908 का 5) की प्रथम अनुसूची के आदेश XXVII के नियम 1 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार रेल मंत्रालय (रेलवे बोर्ड) की दिनांक 21 फरवरी, 1983 सा. का. नि. स. 198 की अधिसूचना का अधिक्रमण करते हुए ऐसे अधिक्रमण से पूर्व किए गए या किए जाने वाले कृत्यों या आक्रुत्यों के सिवाय, केन्द्रीय सरकार एतद्द्वारा:—

(1) इसके साथ संलग्न अनुसूची में उल्लिखित अधिकारियों को ऐसे व्यक्तियों के रूप में नियुक्त करती है, जो सिविल अधिकार क्षेत्र के किसी न्यायालय में, रेल प्रशासन के संबंध में केन्द्रीय सरकार द्वारा या उसके विरुद्ध चलाए गए मुकदमों में वादपत्रों और लिखित ब्यानों पर हस्ताक्षर करेंगे ।

(2) खण्ड (i) में उल्लिखित अधिकारियों को जिन्हें मामले के तथ्यों की जानकारी हो, ऐसे व्यक्तियों के रूप में नियुक्त करती है, जो वादपत्रों और लिखित ब्यानों का सत्यापन करेंगे।

अनुसूची

I. रेल मंत्रालय (रेलवे बोर्ड) :

1. सचिव
2. संयुक्त सचिव
3. उप सचिव
4. अवर सचिव
5. कार्यपालक निदेशक
6. निदेशक
7. संयुक्त निदेशक
8. उपनिदेशक

II. रेलवे को सभी स्थापनों जिसमें मैट्रो रेलवे, चितरंजन रेल इंजन कारखाना, सवारी डिब्बा कारखाना, पहिया एवं धुरा संयंत्र, डीजल पुर्जा कारखाना, महानगर परिवहन परियोजना, रेल विद्युतीकरण, केन्द्रीय कारखाना आधुनिकीकरण संगठन, रेल कोच फैक्टरी कपूरथला तथा भारतीय रेलों के परिचालन सूचना प्रणाली केन्द्रीय संगठन अनुसंधान अभिकल्प और मानक संगठन प्रशिक्षण संस्थान, रेल संपर्क कार्यालय को छोड़कर:—

1. महाप्रबन्धक
2. मुख्य प्रशासनिक अधिकारी
3. अपर महाप्रबन्धक
4. उपमहाप्रबंधक
5. मुख्य सर्तकता अधिकारी
6. उपमुख्य सतर्कता अधिकारी
7. सतर्कता अधिकारी
8. जांच अधिकारी
9. मुख्य योजना अधिकारी
10. मुख्य परियोजना अधिकारी
11. उप मुख्य योजना अधिकारी
12. मुख्यजन सम्पर्क अधिकारी
13. वरिष्ठ जन सम्पर्क अधिकारी
14. मंडल रेल प्रबंधक
15. अपर मंडल रेल प्रबंधक
16. मुख्य कार्मिक अधिकारी
17. उप मुख्य कार्मिक अधिकारी
18. वरिष्ठ मंडल कार्मिक अधिकारी
19. मंडल कार्मिक अधिकारी
20. मुख्य सुरक्षा आयुक्त
21. अपर मुख्य सुरक्षा आयुक्त
22. मंडल सुरक्षा आयुक्त/कमांडिग अधिकारी
23. मुख्य इंजीनियर
24. मुख्य पुल इंजीनियर
25. मुख्य परियोजना इंजीनियर
26. मुख्य रेलपथ इंजीनियर
27. मुख्य सामान्य इंजीनियर
28. मुख्य योजना एवं अभिकल्प इंजीनियर
29. उप मुख्य इंजीनियर
30. वरिष्ठ मंडल इंजीनियर
31. वरिष्ठ कार्य पालक इंजीनियर
32. मंडल कार्यपालक इंजीनियर
33. मुख्य वाणिज्य अधीक्षक
34. मुख्य पणन अधीक्षक
35. मुख्य दावा अधिकारी
36. मुख्य यात्री यातायात अधीक्षक
37. मुख्य यातायात संरक्षा अधीक्षक
38. मुख्य यातायात योजना अधीक्षक
39. क्षेत्र अधीक्षक
40. उप मुख्य परिचालन अधीक्षक
41. उप मुख्य वाणिज्य अधीक्षक
42. उप मुख्य दावा अधिकारी
43. वरिष्ठ मंडल वाणिज्य अधीक्षक
44. वरिष्ठ मंडल परिचालन/वाणिज्य अधीक्षक
45. टंकी माल डिब्बा अधीक्षक
46. मुख्य यांत्रिक इंजीनियर
47. मुख्य वर्कशाप इंजीनियर
48. मुख्य माल भाड़ा यातायात अधीक्षक
49. मुख्य चल स्टाक इंजीनियर
50. मुख्य मोटिव पावर इंजीनियर (आर/एल) (डीजल)
51. उप मुख्य यांत्रिक इंजीनियर
52. वरिष्ठ मंडल यांत्रिक इंजीनियर
53. कर्मशाला प्रबंधक/मंडल यांत्रिक इंजीनियर/वरिष्ठ यांत्रिक इंजीनियर
54. मुख्य सिगनल एवं दूर संचार इंजीनियर
55. मुख्य संचार इंजीनियर
56. उप मुख्य सिगनल एवं दूर संचार इंजीनियर
57. मंडल सिगनल एवं दूर संचार इंजीनियर/वरिष्ठ सिगनल एवं दूर संचार इंजीनियर
58. मुख्य बिजली इंजीनियर
59. मुख्य बिजली सेवाएं इंजीनियर
60. मुख्य बिजली वितरण इंजीनियर
61. मुख्य बिजली निर्माण इंजीनियर
62. मुख्य बिजली लोको इंजीनियर
63. मुख्य बिजली परियोजना इंजीनियर
64. उप मुख्य बिजली इंजीनियर
65. मंडल बिजली इंजीनियर/वरिष्ठ बिजली इंजीनियर
66. भंडार नियंत्रक
67. उप भंडार नियंत्रक
68. मुख्य सामग्री प्रबंधक
69. मंडल भंडार नियंत्रक/वरिष्ठ भंडार अधिकारी
70. मुद्रण एवं लेखन सामग्री अधीक्षक
71. मुख्य चिकित्सा अधिकारी
72. मुख्य अस्पताल अधीक्षक /मुख्य सर्जन मुख्य फिजीशियन
73. चिकित्सा अधीक्षक

74. वरिष्ठ मंडलीय चिकित्सा अधिकारी
75. मंडल चिकित्सा अधिकारी
76. वित्त सलाहकार एवं मुख्य लेखा अधिकारी
77. उप मुख्य लेखा अधिकारी
78. वरिष्ठ लेखा अधिकारी
79. उप प्रबंधक (एन आई एस)
रेल कोच फैक्टरी, कपूरथला
80. प्रशासनिक अधिकारी एवं जन सम्पर्क अधिकारी
रेल कोच फैक्टरी, कपूरथला
81. विशेष ड्यूटी अधिकारी , रेल कोच फैक्टरी, कपूरथला
81. मुख्य परियोजना प्रशासन, भारतीय रेल परिचालन सूचना प्रणाली
83. मुख्य परिचालन प्रबंधक, भारतीय रेल परिचालन सूचना प्रणाली
84. मुख्य दूर संचार प्रबंधक भारतीय रेल परिचालन सूचना प्रणाली
85. प्रणाली प्रबंधक, भारतीय रेल परिचालन सूचना प्रणाली
86. विशेष कार्य अधिकारी, दूर संचार, भारतीय रेल परिचालन सूचना प्रणाली
87. मुख्य दूर संचार प्रबंधक, भारतीय रेल परिचालन सूचना प्रणाली

III. अनुसंधान अभिकल्प तथा मानक संगठन

1. महानिदेशक
2. वरिष्ठ उपमहानिदेशक
3. संयुक्त निदेशक (प्रकाशन)
4. संयुक्त निदेशक (स्थापना)
5. उपनिदेशक (स्थापना)
6. भंडार नियंत्रक
7. टाउन इंजीनियर
8. उपनिदेशक (प्रशासन)
9. उपनिदेशक (प्रलेखन)

IV. प्रशिक्षण संस्थान

1. प्रिंसीपल रेलवे स्टाफ कालिज, बड़ोदरा
2. वाइस प्रिंसीपल रेलवे स्टाफ कालिज, बड़ोदरा
3. निदेशक भारतीय रेल यांत्रिक एवं बिजली इंजीनियरी संस्थान, जमालपुर
4. निदेशक भारतीय रेल सिगनल इंजीनियरी एवं दूर संचार संस्थान, सिकंदराबाद
5. निदेशक भारतीय रेल उच्च रेलपथ तकनीकी प्रौद्योगिकी संस्थान, पुणे
6. निदेशक भारतीय रेल बिजली इंजीनियरी संस्थान, नासिक रोड़
7. सहायक प्राफेसर, प्रशिक्षण संस्थान

1. रेल सम्पर्क कार्यालय
रेल सम्पर्क अधिकारी

[सं. ई (जी) 82/ एल. एल.-2/2]
सेलैस्टीन खल्कों,
संयुक्त निदेशक स्थापना (सा.)

MINISTRY OF RAILWAYS

(Railway Board)

ORDER

New Delhi, the 4th June, 1992

S.O. 1157.—In ixercise of the powers conferred by rule 1 of Order XXVII of the First Schedule to the Code of Civil Procedure 1908 (5 of 1908) and in supersession of the notification of the Government of India in the Ministry of Railway (Railway Board) number GSR 198, dated the 21st February, 1983, except as respects things done or omitted to be done before such supersesson the Central Government hereby appoints

(i) the officers mintioned in the schedule annexed hereto as persons by whom plaints and written statements in suits in any court of civil jurisdiction by or against the Central Government in respect of the Railway Administration shall be signed;

(ii) those of the officers referred to in clause (i) who are acquainted with the facts of the case, as persons by whom such plaints and written statements shall be verified.

SCHEDULE

I. Ministry of Railways (Railway Board):

1. Secretary
2. Joint Secretary
3. Deputy Secretary
4. Under Secretary
5. Executive Director
6. Director
7. Joint Director
8. Deputy Director

II. In all establishments of the Railways including Metro Railway, Chittaranjan Locomotive Works Integral Coach Factory, Wheel and Axle Plant, Diesel Component Works, Metropolitan Transport Project, Railway Electrification, Central Organisation for Modernisation of Workshops, Rail Coach Factory, Kapurthala and Central Organisation for the operations information system of Indian Railways, except the Research Design and Standards Organisation, Training Institute and the Railway Liaison Office:

1. General Manager
2. Chief Administrative Officer
3. Additional General Manager
4. Deputy General Manager
5. Chief Vigilence Officer
6. Deputy Vigilance Officer
7. Vigilance Officer
8. Enquiry Officer

9. Chief Planning Officer
10. Chief Project Officer
11. Deputy Chief Planning Officer
12. Chief Public Relation Officer
13. Senior Public Relations Officer
14. Divisional Railway Manager
15. Additional Divisional Railway Manager
16. Chief Personnel Officer
17. Deputy Chief Personnel Officer
18. Senior Divisional Personnel Officer
19. Divisional Personnel Officer
20. Chief Security Commissioner
21. Additional Chief Security Commissioner
22. Divisional Security Commissioner|Commanding Officer
23. Chief Engineer
24. Chief Bridge Engineer
25. Chieef Project Engineer
26. Chief Track Engineer
27. Chief General Engineer
28. Chief Planning and Design Engineer
29. Deputy Chief Engineer
30. Senior Divisional Engineer
31. Senior Executive Engineer
32. Divisional Executive Engineer
33. Chief Commercial Superintendent
34. Chief Marketing Superintendent
35. Chief Claims Officer
36. Chief Passanger Traffic Superintendent
37. Chief Traffic Safety Superintendent
38. Chief Traffic Planning Superintendent
39. Area Superintendent
40. Deputy Chief Operating Superintendent
41. Deputy Chief Commercial Superintendent
42. Deputy Chief Claims Officer
43. Senior Divisional Commercial Superintendent
44. Senior Divisional Operating|Commercial Superintendent
45. Tank Wagon Superintendent
46. Chief Mechanical Engineer
47. Chief Workshop Engineer
48. Chief Freight Traffic Superintendent
49. Chief Rolling Stock Engineer
50. Chief Motive Power Engineer (R|L) (Diesel)
51. Diputy Chief Mechanical Engineer
52. Senior Divisional Mechanical Engineer
53. Works Manager|Divisional Mechanical Engineer| Senior Mechanical Engineer
54. Chief Signal and Telecommunication Engineer
55. Chief Communication Engineer
56. Deputy Chief Signal & Telecommunication Engineer
57. Divisional Signal & Telecommunication Engineer| Senior Signal & Telecommunication Engineer
58. Chief Electrical Engineer
59. Chief Electrical Service Engineer
60. Chief Electrical Distribution Engineer
61. Chief Electrical Construction Engineer
62. Chief Electrical Loco Engineer
63. Chief Electrical Project Engineer
64. Deputy Chief Electrical Engineer
65. Divisional Electrical Engineer|Senior Electrical Engineer
66. Controller of Stores
67. Deputy Controller of Stores
68. Chief Material Manager
69. Divisional Controller of Stores|Senior Stores Officers
70. Superintendent Priniting & Stationary
71. Chief Medical Officer
72. Chief Hospital Superintendent|Chief Surgeon| Chief Physician
73. Medical Superintendent
74. Senior Divisional Medical Officer
75. Divisional Medical Officer
76. Financial Adviser and Chief Accounts Officer
77. Deputy Chief Accounts Officer
78. Senior Accounts Officer
79. Deputy Manager (MIS), Rail Coach Factory, Kapurthala
80. Administrative Officer-cum-Public Relations Officer, Rail Coach Factory, Kapurthala
81. Officer on Special duty, Rail Coach Factory, Kapurthala
82. Chief Project Administrator, Operation Information System of Indian Railways
83. Chief Operation Manager, Operation Information System of Indian Railways
84. Chief Telecommunication Manager, Operations Information System of Indian Railways
85. System Manager, Operations Information System of Indian Railways
86. Officer on Special Duty Telecom, Opirations Information System of Indian Railways
87. Chief Telecommunication Manager Operations Information System of Indian Railways.

III Research Designs and Standards Organisation :

1. Director General
2. Senior Deputy Director General
3. Joint Director (Publication)
4. Joint Director (Establishment)
5. Deputy Director (Establishment)
6. Controller of Stores
7. Town Engineer
8. Deputy Director (Administration)
9. Deputy Director (Documentation)

IV. Training Institute :

1. Principal, Railway Staff College, Vadodara
2. Vice-Principal, Railway Staff College, Vadodara
3. Director, Indian Railways Institute of Mechanical and Electrical Engineering, Jamalpur
4. Director, Indian Railway Institute of Signal Engineering and Telecommunications, Secunderabad
5. Director, Indian Railway Institute of Advanced Track Technology, Pune
6. Director Indian Railway Institute of Electrical Engineering, Nasik Road
7. Assistant Professor, Training Institute.

V. The Railway Liaison Office :

Railway Liaison Officer.

[No. E(G)82 LL2|2.]

CELESTINE XAVIER, Jt. Director, Estt. (G)

आदेश

नई दिल्ली, 28, फरवरी, 1996

का.आ.1158.—बोर्ड के दिनांक 4-6-92 के पत्र सं. ई. (जी.) 82 एल एल 2-2बी में अन्तर्विष्ट अनुसूची की मद 3 की निम्नानुसार संशोधित किया जाता है:—

III. अनुसंधान अभिकल्प एवं मानक संगठन :—

1. महानिदेशक
2. अपर महानिदेशक
3. संयुक्त निदेशक
4. उप निदेशक
5. नगर इंजीनियर

[सं ई (जी) 92 एल एल 2-2]

पी. चैटर्जी, संयुक्त निदेशक स्थापना (सा)

ORDER

New Delhi, the 28th February, 1996

S.O. 1158.—Item 3 of the schedule contained in Board's Letter No. E(G)/82 LL2-2A dated 04-06-92 is hereby amended as under :—

III. Research Designs & Standards Organisation—

1. Director General
2. Additional Director General
3. Joint Directors
4. Deputy Directors
5. Town Engineers.

[No. E(G)/92 LL/2-2]

P. CHATTERJEE, Joint Director, Establishment(G)

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 18 मार्च, 1996

का० आ० 1159.—चलचित्रिकी (प्रमाणन) नियम, 1983 के नियम 7 व 8 के साथ पठित चलचित्रिकी अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) में प्रदत्त शक्तियों का उपयोग करते हुए तथा इस मंत्रालय की दिनांक 21-12-94, 19-1-95 और 31-3-95 की समसंख्यक अधिसूचनाओं के अनुक्रम में केन्द्र सरकार, निम्ननिलिखित व्यक्तियों को केन्द्रीय फिल्म प्रमाणन बोर्ड के बम्बई सलाहकार पैनल में तत्काल प्रभाव से दो वर्ष की अवधि के लिए अथवा अगले आदेशों तक, इनमें से जो भी पहले हो, नियुक्त करती है:—

1. श्री राज कुमार शर्मा,
बी-104, नंदिनी ग्रुप हाऊसिंग सोसायटी,
सेवन बंगलोज, अंधेरी (वेस्ट),
मुम्बई।

2. श्री शकील चन्द्र,
31/1248, डॉ० एन० नगर,
अंधेरी (वेस्ट),
मुम्बई-400058.

3. श्रीमती ऊषा ठाकर,
25, दुरू महल, "एफ" रोड,
मैरिन ड्राइव,
मुम्बई-400002.

4. श्री बाल चन्द्र त्रिवेदी,
विरल्ल विला,
मथुरा दास रोड,
कांडो विल्ली (वेस्ट)
मुम्बई-400067.

5. श्री रवि शर्मा
502, मंगल मूर्ति, लिंकिंग रोड,
शान्ता क्रूज (वेस्ट),
मुम्बई-400058.

[फाइल संख्या 809/4/93-एफ० (सी)]

एम० एस० सेठी, डेस्क अधिकारी

MINISTRY OF INFORMATION & BROADCASTING

New Delhi, the 18th March, 1996

S.O. 1159.—In exercise of the powers conferred by sub-section (1) of section 5 of the Cinematograph Act, 1952 (37 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 and in continuation of this Ministry's Notifications of even number dated 21-12-94, 19-1-95 and 31-3-1995, the Central Government is pleased to appoint the following persons as members of the Bombay advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier :—

1. Shri Raj Kumar Sharma,
B-104, Nandini Group Housing Society,
Seven Bungalows, Andheri(W),
Mumbai.

2. Shri Shakeel Chandra,
31/1248, D.N. Nagar,
Andheri(W),
Mumbai-400058.

3. Smt. Usha Thakar,
25, Duru Mahal,
'F' Road, Marine Drive,
Mumbai-400002.

4. Shri Balachandra Trivedi,
Vilkhoo Villa,
Mathuradas Road,
Kandivilli(W),
Mumbai-400067.

5. Shri Ravi Sharma,
502, Mangal Murti,
Linking Road,
Shanta Cruz West,
Mumbai-400058

[F No. 809/4/93-F(C)]

M. S. SETHI, Desk Officer

नई दिल्ली, 19 मार्च, 1996

का० आ० 1160.—केन्द्रीय सरकार, चलचित्रिकी (प्रमाणन) नियम, 1983 के नियम 7 व 8 के साथ पठित चलचित्रिकी अधिनियम, 1952 (1952 का 37) की धारा-5 की उप-धारा (1) में प्रदत्त शक्तियों का उपयोग करते हुए निम्नलिखित व्यक्तियों को केन्द्रीय फिल्म प्रमाणन बोर्ड के बंगलौर सलाहकार पैनल के सदस्य के रूप में तत्काल प्रभाव से दो वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, नियुक्त करती है :

1. श्री सी० जे० रेड्डी
2. श्री पोब्बाती अश्वथा नारायण
3. श्री पाथी पाण्डुरंगा
4. श्री ए० आर० राजू
5. श्री सी० वी० एन० शास्त्री
6. श्री वी० एन० सुब्बा राव
7. श्रीमती जयन्ती
8. श्रीमती एच० एस० पार्वती
9. श्रीमती काकोलू सरोजा राव
10. श्री बी० के० गुरूराज
11. सुश्री सुरेखा
12. श्रीमती यशोदा शेट्टी
13. श्रीमती फारुख खाशीर
14. श्रीमती परवीन बाशा
15. श्रीमती विमला बेलूर
16. श्रीमती वत्सला राघवन
17. सुश्री रतना प्रभा
18. सुश्री अनीता किशोर
19. श्रीमती पद्मा श्रीनिवासन
20. श्री एम० के० राव
21. श्रीमती सुजाता एस० शेट्टी
22. ए० एस० मूर्ति
23. श्री बी० ए० हुसनभा

[फाइल सं० 809/11/93-एफ (सी०)]
एम० एस० सेठी, डेस्क अधिकारी

New Delhi, the 19th March, 1996

S.O. 1160.—In exercise of the powers conferred by sub-section (1) of section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983, the Central Government is pleased to appoint the following persons as members of the Bangalore advisory panel of the Central Board of Film Certification with immediate effect for a period of two years or until further orders, whichever is earlier :—

1. Shri C. J. Reddy
2. Shri Pobbathi Aswathanarayana
3. Shri Pathi Panduranga
4. Shri A. R. Raju
5. Shri C.V.L. Sastry
6. Shri V.N. Subba Rao
7. Smt. Jayanthi
8. Smt. H.S. Parvathi
9. Smt. Kakolu Saroja Rao
10. Shri B.K. Gururaj
11. Ms. Surekha
12. Smt. Yashoda Shetty
13. Smt. Farukh Khasier
14. Smt. Parvin Basha
15. Smt. Vimala Belur
16. Smt. Vatsala Raghavan
17. Ms. Rathna Prabha
18. Ms. Ameetha Kishore
19. Smt. Padma Srinivasan
20. Shri M.K. Rao
21. Smt. Sujatha S. Shetty
22. Shri A. S. Murthy
23. Shri B.A. Hasanabha

[File No. 809/11/93-F(C)]
M. S. SETHI, Desk Officer

इस्पात मंत्रालय

नई दिल्ली, 20 अक्तूबर, 1995

का.आ. 1161.— केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा-3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और 5 सितम्बर, 1987 को भारत के राजपत्र, भाग-2 खण्ड-3 उपखण्ड (ii) में प्रकाशित इस्पात और खान मंत्रालय (इस्पात विभाग) की अधिसूचना सं.का.आ 2375 दिनांक 27 अगस्त, 1987 का अधिक्रमण करते हुए, नीचे दी गयी तालिका के स्तम्भ (1) में उल्लिखित अधिकारियों को, भारत के राजपत्रित अधिकारी के पद के समकक्ष अधिकारी रहते हुए उक्त अधिनियम के प्रयोजनों के लिए संपदा अधिकारी एतद्द्वारा नियुक्त करती है जो उक्त तालिका के स्तम्भ 2 में विनिर्दिष्ट सरकारी स्थानों के संबंध में अपने-अपने अधिकार क्षेत्र की स्थानीय सीमाओं के भीतर उक्त अधिनियम के अन्तर्गत अथवा द्वारा सम्पदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग करेंगे और उन्हें सौंपी गयी ड्यूटी का वे पालन करेंगे ।

तालिका

अधिकारी का नाम	लोक परिसर की श्रेणी और अधिकार श्रेणी की स्थानीय सीमाएं
1	2
1. सहायक प्रबंधक (कार्मिक) बैलाडिला लौह अयस्क परियोजना, निक्षेप संख्या-14, राष्ट्रीय खनिज विकास निगम लि., किरंदूल की परियोजना । 2. उप प्रबंधक (कार्मिक) बैलाडिला लौह अयस्क परियोजना, निक्षेप संख्या-14, राष्ट्रीय खनिज विकास निगम लि., किरंदूल की परियोजना । 3. प्रबंधक (कार्मिक) बैलाडिला लौह अयस्क परियोजना, निक्षेप संख्या-14 राष्ट्रीय खनिज विकास निगम लि., किरंदूल की परियोजना ।	अधोलिखित वर्णनानुसार तथा राष्ट्रीय खनिज विकास निगम लि. के नियंत्रण में बैलाडिला लौह अयस्क परियोजना, निक्षेप-14 के निर्मित सभी परिसर :– 1. खनन पट्टा क्षेत्र सहित गर्त संख्यां-14 और 11/सी, 2. किरंदूल बस्तियां । 3. कैलाशनगर (हिल टॉप) बस्तियां । 4. मध्य प्रदेश में जिला दांतेवाड़ा में स्थित निक्षेप, 3,6, 7,8,9,11 और 12 का खनन पट्टा क्षेत्र ।
4. सहायक प्रबंधक (कार्मिक) राष्ट्रीय खनिज विकास निगम लि., बैलाडिला लौह अयस्क परियोजना, बछेली स्थित निक्षेप संख्या-5 5. उप प्रबंधक (कार्मिक) राष्ट्रीय खनिज विकास निगम लि., बैलाडिला लौह अयस्क परियोजना, बछेली स्थित निक्षेप संख्या-5	राष्ट्रीय खनिज निगम लि. के नियंत्रण में बैलाडिला लौह अयस्क परियोजना के खनन पट्टा क्षेत्र के निर्मित क्षेत्र, बछेली बस्ती सहित निक्षेप संख्यां-5, हिल टॉप बस्तियां, नामतः आकाश नगर और टैपरेरी कालोनीज और केन्द्रीय कार्यशाला और जांच इकाई भांसी परिसर और निक्षेप 10 का खनन पट्टा क्षेत्र ।
6 प्रबंध (कार्मिक) राष्ट्रीय खनिज विकास निगम लि., बैलाडिला लौह अयस्क परियोजना, बछेली स्थित निक्षेप संख्या-5	राष्ट्रीय खनिज विकास निगम लि. के नियंत्रण में हीरा खनन परियोजना, पन्ना के निर्मित क्षेत्र, पन्ना ग्राम स्थित बस्ती क्षेत्रों सहित माझगांव और रामखरिया खानें, माझगांव बिनोट्स और रामखरिया ग्राम ।
7. सहायक प्रबंधक (कार्मिक), राष्ट्रीय खनिज विकास निगम लि., हीरा खनन परियोजना, पन्ना, जिला–सतना । 8. उप प्रबंधक (कार्मिक), राष्ट्रीय खनिज विकास निगम लि., हीरा खनन परियोजना, पन्ना, जिला–सतना । 9. प्रबंधक (कार्मिक) राष्ट्रीय खनिज विकास निगम लि., हीरा खनन परियोजना, पन्ना, जिला–सतना ।	

1	2
10. सहायक प्रबंधक (कार्मिक), राष्ट्रीय खनिज विकास निगम लि., दोनीमलाई लौह अयस्क खानें, दोनीमलाई बस्ती, जिला–बेल्लरी, कर्नाटक ।	
11. उप प्रबंधक (कार्मिक), राष्ट्रीय खनिज विकास निगम लि., दोनीमलाई लौह अयस्क खान, जिला–बेल्लरी, कर्नाटक ।	राष्ट्रीय खनिज विकास निगम लि. के नियंत्रण में दोनीमलाई लौह अयस्क खान के बस्ती क्षेत्र सहित दोनीमलाई और कुमारस्वामी खानों के निर्दिष्ट क्षेत्र ।
12. प्रबंधक (कार्मिक) राष्ट्रीय खनिज विकास निगम लि., दोनीमलाई लौह अयस्क खान, दोनीमलाई बस्ती, जिला–बेल्लरी, कर्नाटक	

[सिविल सख्या 3 (32)/87-आर. एम.-1]
ए. के. भारद्वाज, निदेशक

MINISTRY OF STEEL

New Delhi, the 20th October, 1995

S. O. 1161.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), and in supersession of the notification of the Government of India in the Ministry of Steel & Mines (Department of Steel) No. S.O. 2375, dated the 27th August, 1987, published in the Gazette of India, Part-II, Section 3, Sub-Section (ii), dated the 5th September, 1987, except as respects things done or omitted to be done before such supersession, the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being the officers equivalent to the rank of a Gazetted officer of the Government, to be the estate officers for the purposes of the said Act, who shall exercise the power conferred, and perform the duties imposed, on the estate officer by or under the said Act, within the local limit of their respective jurisdiction in respect of the public premises specified in column (2) of the said Table.

TABLE

Designation of the Officer	Categories of public premises and local limits of jurisdiction
(1)	(2)
1. Assistant Manager (Personnel) Bailadila Iron Ore Project, Deposit No. 14, Project of National Mineral Development Corporation Limited, Kirandul.	All the premises constituted of Bailadila Iron Ore Project, Deposit No. 14, as detailed below and under the control of National Mineral Development Corporation Limited (NMDC):—
2. Deputy Manager (Personnel) Bailadila Iron Ore Project, Deposit No. 14, Project of National Mineral Development Corporation Limited, Kirandul.	1. Pit No. 14 and 11/C including the mine lease area thereof; 2. Kirandul townships. 3. Kailashnagar (Hill Top) Townships. 4. Mining lease area of deposits No. 3,6,7,8,9,11 and 12 which are situated in Tahsil Dantewada, Bastar District, of Madhya Pradesh.
3. Manager (Personnel) Bailadila Iron Ore Project, Deposit No. 14, Project of National Mineral Development Corporation Limited, Kirandul.	
4. Assistant Manager (Personnel) National Mineral Development Corporation Limited, Bailadila Iron Ore Project, Deposit No. 5 at Bacheli.	The areas constituted of mining lease area of Bailadila Iron Ore Project, Deposit No. 5 including Bacheli Township, Hill Top townships, namely, Akashnagar and Temporary colonies, and Central Workshop and Investigation Unit, Bhansi premises and Mining lease area of deposit 10, under the control of National Mineral Development Corporation Limited.
5. Deputy Manager (Personnel) National Mineral Development Corporation Limited, Bailadila Iron Ore Project, Deposit No. 5 at Bacheli.	
6. Manager (Personnel) National Mineral Development Corporation Limited, Bailadila Iron Ore Project, Deposit No. 5 at Bacheli.	
7. Assistant Manager (Personnel) National Mineral Development Corporation	The areas constituted of Diamond Mining Project, Panna, Majhgawan and Ram Khelia Mines

	Limited, diamond Mining Project, Panna, District Satna.	including township areas at Panna Village, Majhgawan Binots and
8.	Deputy Manager (Personnel) National Mineral Development Corporation Limited, Diamond Mining Project, Panna, District Satna.	Ram Kheria Villages, under the control of National Mineral Development, Corporation Limited.
9.	Manager (Personnel) National Mineral Development Corporation Limited, Diamond Mining Project, Panna, District Satna.	
10.	Assistant Manager (Personnel) National Mineral Development Corporation Limited, Donimalai Iron Ore Mines, Donimalai Township, Distict Bellary, Karnataka.	The areas constituted of Donimalai and Kumaraswamy mines including township area of the Donimalai Iron Ore Mine under the control of National Mineral Development Corporation, Limited.
11.	Deputy Manager (Personnel) National Mineral Development Corporation Limited, Donimalai Iron Ore Mine, Donimalai Township, District Bellary, Karnataka.	
12.	Manager (Personnel) National Mineral Development Corporation Limited, Donimalai Township, District Bellary, Karnataka.	

[F.No.3(32)/87-RM-I]

A. K. BHARDWAJ, Director

नई दिल्ली, 25 मार्च, 1996

का०आ० 1162:—राजभाषा (संघ के शासकीय प्रयोजनों के लिए) प्रयोग नियम, 1976 (यथा संशोधित, 1987) के नियम 10 के उप-नियम (4) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा इस्पात मंत्रालय के प्रशासनिक नियन्त्रणाधीन निम्नलिखित कार्यालयों जिनके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है:—

(1) स्पंज आयरन इण्डिया लिमिटेड
संयंत्र कार्यालय
पलोंचा, पो०आ० सिल कैम्पस
जिला-खम्मम (आन्ध्र प्रदेश)

(2) स्टील अथॉरिटी ऑफ इण्डिया लिमिटेड
शाखा विक्रय कार्यालय
आनन्द भवन, पहली मंजिल
एस० सी० रोड, जयपुर (राजस्थान)

(3) स्टील अथारिटी ऑफ इण्डिया लिमिटेड
शाखा विक्रय कार्यालय
500, मारहटल
जबलपुर-482002 (मध्य प्रदेश)

(4) स्टील अथॉरिटी ऑफ इण्डिया लिमिटेड
शाखा विक्रय कार्यालय
न्यू एल०आई०सी० बिल्डिंग,
17, झालवार रोड, छावनी चौराहा
कोटा-324007 (राजस्थान)

[सं०ई० 11011(1)/95-हिन्दी]

हंस कुमार जैन, उप सचिव

New Delhi, the 25th March, 1996

S.O. 1162.—In pursuance of Sub-section (4) of Rule 10 of the Official Language (use for official purposes of the Union) Rules, 1976 (as amended 1987) the Central Government hereby notifies the following offices under the Administrative control of Ministry of Steel, where more than 80 per cent staff have acquired working knowledge of Hindi :—

1. Sponge Iron India Limited,
Plant Office,
Paloncha, P.O. SIIL Campus,
District-Khammam,
(Andhra Pradesh)

2. Steel Authority of India Limited,
Branch Sales Office,
Anand Bhawan, 1st Floor,
S.C. Road, Jaipur (Rajasthan)

3. Steel Authority of India Limited,
Branch Sales Office,
50, Marathal,
Jabalpur-482002(M.P.).

4. Steel Authority of India Limited,
Branch Sales Office, New LIC Building,
17, Jhalwar Road, Chhawni Chauraha,
Kota-324007(Rajasthan).

[No. E. 11011(1)/95-Hindi]

H. K. JAIN, Dy. Secy.

श्रम मंत्रालय

नई दिल्ली, 11 मार्च, 1996

का०आ० 1163:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार—दूर संचार के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-96 को प्राप्त हुआ था।

[संख्या एल०-40012/141/92-आई०आर०डी०यू०]

के०वी०बी० उन्नी, डैस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 11th March, 1996

S.O. 1163.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the industrial tribunal Hyderabad as shown in the annexure, in the industrial dispute bet-

between the employers in relation to the management of Telecommunication and their workman, which was received by the Central Government on 8-3-96.

[No. L-40012/141/92-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I, HYDERABAD

PRESENT :

Sri A. Hanumanthu, M.A., LL.B., Industrial Tribunal-I.

Dated, 23rd December, 1995

Industrial Dispute N. 6 of 1994

BETWEEN

Shri E. Govindu S/o E. K. Mashanna, Kathepalli Village (Via) Arepalli-509131, Atmakur Mandal & Tq. Mahaboobnagar District .. Petitioner.

AND

The Telecom District Engineer, Mahaboobnagar-509001. .. Respondent.

APPEARANCES :

S/Sri C. Suryanarayana, P. Bhaskar and R. Yoginder Singh, Advocates for the Petitioner.

Sri P. Damodar Reddy, Advocates for the Respondent.

AWARD

The Government of India, Ministry of Labour, New Delhi by its Order No. L-40012|141|92-IR(DU), dated 11-1-94 made this reference under Section 10(1)(d) and (2A) of Industrial Disputes Act, 1947 (hereinafter called the 'Act') for adjudication of Industrial Dispute mentioned in the schedule which reads as follows :

"Whether the District Secretary, All India Telecom Employees Union, Mahaboobnagar is justified in asking for reinstatement of the services of Shri E. Govindu S/o E. K. Mashanna without back wages ?

If so what other relief he is entitled to ?"

This reference has been registered as Industrial Dispute No. 6 of 1994. After receiving the notices issued by this Tribunal, the petitioner Union and the respondent-Management are being represented by their counsel.

2. On behalf of the petitioner-union its Secretary filed a claim statement to the following effect :—

The Sub-Divisional Officer, Telecom, Mahaboobnagar recruited and employed the workman E. Govindu who belongs to S.C. Community as Casual Mazdoor w.e.f. 1-7-1980. He was employed in that Sub-Division upto the end of July, 1982. Thereafter he was not employed due to non-availability of work in that sub-Division. He was sent to Gadwal Telecom Sub-Division w.e.f. August, 1982 and he was employed there till March, 1983. In all, the workman E. Govindu was employed for 863 days from July, 1980 to March, 1983 and his employment was continuous and without any breaks. The workman fell ill at the end of March, 1983 i.e. 25-3-83 due chronic Asthmatic Bronchitis and other diseases and he was under the treatment of Dr. P. Chandrudu, Civil Surgeon, Government Head Quarters Hospital, Mahaboobnagar upto January, 1992 and he was declared fit by the Doctor on 6-1-1992. During the above employment period the workman was in employment for more than 240 days in each year for two years and for 155 days during the subsequent year. Thus he became eligible for grant of temporary status as Casual Mazdoor as per the D.O.T's Letter dated 7-11-1989 pending his absorption in the regular establishment of the Telecom Department. After the workman recouped his health, he submitted a representation to the respondent on 13-1-1992 and the same was acknowledged by the respondent on the same day. The workman requested for his reinstatement, but the respondent refused to do so, by his letter dated 6-2-92 on the ground that the departmental instructions did not permit the workman into reinstatement but copy of the alleged departmental instructions was not furnished to the workman. Thereupon, the petitioner-union raised a dispute before the Asstt. Labour Commissioner (C) seeking reinstatement of the workman. But the conciliation proceidings ended in failure. The workman could not attend to the duty as he became sick and the workman should be given the benefit of seniority w.e.f. 1-7-1980 since the services of many of his juniors who were recruited after 1-7-80 have been regularised and they were granted temporary status as per D.O.T's. Order dated 7-11-1989. Hence the petitioner prays that the workman should be reinstated with full back wages from the date of his representation dated 13-1-92, continuity of service and protection of seniority.

3. On behalf of the respondent-Management, counter has been filed to the following effect :

The Industrial Dispute is not maintainable either in law or on facts and it is liable to be rejected in limini. The workman E. Govindu was not recruited as a casual mazdoor from 1-7-89 as alleged in the claim statement. He worked as a casual mazdoor now and then depending upon the exigencies of work to meet certain unforeseen urgent work. He did not work continuously in the respondent-Department. The allegation that he fell sick and was taking treatment for many years continuously is in correct, false and fabricated. The workman, with a mala fide intention to cover up his long and unauthorised absenteeism only, got created the medical certificate. Moreover the medical certificate is filed for part of the period of absenteeism and no explanation is forthcoming for the remaining period. The workman E. Govindu himself deserted the employment having procured a good avocation and that he earned hardsome money all these years. He has come up with the medical certificate after several years with a mala fide intention to secure Government Employment. The claim of the workman for full back wages, continuity of service and for protection of seniority is beyond the scope of the reference made by the Government, Hence, the claim of the workman for these benefits is not sustainable in the eye of law. The workman has not taken for duty as per the departmental instructions and, moreover, there was no work available at that time. The claim of the petitioner has become stale and it is barred by limitation. Hence the petitioner is not entitled for any relief under this reference.

4. On behalf of the Petitioner, W.W.1 is examined and Exs. W1 to W10 are marked. The workman E. Govindu got himself examined as W.W.1 and he deposed to the averments in the claim statement. On behalf of the Respondent-Management M.Ws. 1 and 2 are examined and no documents are marked and they deposed to the averments in the counter. M.W.1 S. Vijayam is the Sub-Divl. Engineer Groups Mahaboobnagar. M.W.2 M. Veeranna is the regular Sub-Divl. Engineer, Planning Telecom Department, Mahaboobnagar since 8-8-1994. The details of the documents Ex. W1 to W10 marked on behalf of the petitioner are appended to this Award.

5. The points that arise for consideration are as follows :

(i) Whether the workman E. Govindu, Casual Mazdoor is entitled for reinstatement into service as claimed by the petitioner-union ?

(ii) To what relief the workman E. Govindu is entitled in this reference ?

6. POINT 1.—The admitted facts as seen from the evidence on record are as follows :

The workman E. Govindu belongs to Scheduled Caste Community (Ex. W1 is the xerox copy of the caste certificate of the workman). He was engaged as casual mazdoor by the respondent at Mahaboobnagar with effect from 1-7-1980. Due to the non-availability of work, he was discharged by the end of July, 1982 . He was sent to Gadwal Sub-Division in August, 1982 and he continued to work till 25-3-1983. The workman E. Govindu did not work as casual Mazdoor with effect from 26-3-1983. On 13-1-1992 he submitted a petition (original of Ex. W3) seeking reinstatement into service as casual mazdoor

explaining for his absence from duty stating that he suffered with chronic asthamatic Bronchitis and other diseases from 26-3-1983 till 6-1-1992 that he underwent treatment from Dr. P. Chandrudu, Civil Surgeon, Government Head Quarters Hospital, Mahaboobnagar and that he was physically fit to resume for work with effect from 6-1-1992 and that he may be reinstated into service as Casual Mazdoor. Along with his application, original of Ex. W3, he is said to have enclosed the medical certificate and fitness certificate. Ex. W4 is the xerox copy of the medical and fitness certificate. The respondent by his letter dated 6-2-92 (Ex. W5) informed the workman stating that his representation regarding reinstatement into service has been rejected. Thereupon the petitioner-union took up the cause of the workman and submitted a representation to the Regional Labour Commissioner (C), Hyderabad under original of Ex. W6 on 25-2-1992. The efforts made by the Asstt. Commissioner of Labour (C), Hyderabad for effecting conciliation ended in failure and the failure report (original of Ex. W10) was submitted to the Secretary, Government of India, Ministry of Labour, New Delhi. Thereafter the Government of India, Ministry of Labour made this reference for adjudication of the dispute.

7. The learned counsel for the petitioner submits that the workman had been working continuously from 1-7-1980 as casual mazdoor under the respondent that the workman fell sick at the end of March, 1983 and he was under treatment of a Civil Surgeon, Government Head Quarters, Hospital, Mahaboobnagar till the end of 1991, that after recoupment of his health, the workman made a representation to the respondent for his reinstatement in January, 1992 without back wages, that the respondent refused to reinstate the workman, that the workman was not given any notice or opportunity to show cause why his name should have been removed from the rolls of casual mazdoors in Mahaboobnagar Division and therefore it should be presumed that the name of workman continued to be on the rolls, that the rejection of the workman's request for reinstatement without back wages, amounts to retrenchment within the meaning of Section 2(oo) of the Act and that retrenchment has been effected without complying with the provisions under Section 25F of the Act and therefore the workman is entitled for reinstatment into service with back wages etc. The learned counsel for the petitioner further contends that the workman was in service for 240 days within one year preceding 25-3-1983 and therefore the workman was entitled for reinstatement. The respondent has not disputed the engagement of the workman E. Govindu as casual mazdoor but he claims that it is not a regular recruitment but he was engaged as casual mazdoor now and then depending upon the exigencies of work and he did not work continuously in the respondent-department. The respondent also admits that the workman was engaged from 1-7-1980 till the end of July, 1982. M.W.1 and M.W.2 have also given the dates on which the petitioner worked as casual mazdoor in tthe respondent-department. It is the case of the respondent that the workman himself deserted the employment having procured a good avocation outside and that he came up with medical certificate after several years with a mala fide intention to secure Government employment. It is also not the case of the petitioner that the respondent-employer terminated the services of the workman with effect from 26-3-1983. It is specifically pleaded in para 3 of the claims statement that "The workman, however, fell ill at the end of March, 1983 i.e. 25-3-83 due to Chronic Asthamatic Bronchitis and other diseases and he was under the treatment of Dr. P. Chandrudu, Civil Surgeon, Government Headquarter Hospital, Mahaboobnagar upto January, 1992. He was declared fit by the Doctor on 6-1-92". In para 5 of the claims statement it is averred thus "The petitioner submits that after the workman recouped his health, he submitted a representation to the respondent on 13-1-1992 which the respondent acknowledged on the same day. The workman requested for his reinstatement, but the respondent refused to reinstate him". It is nowhere pleaded in the claims statement nor it is in the evidence of the workman as W.W.1 that he was discharged or terminated from the service by the respondent with effect from 26-3-83. On the other hand as quoted above, it is categorically pleaded in the claim statement itself that due to his ill-health, from 25-3-83 he could not attend duty and after his recovery from ill-health he had submitted a representation on 13-1-1992 for reinstatement. The learned counsel for the respondent submits that the workman was working purely as a casual mazdoor as and when there was work and that the non-engagement of the workman from 25-3-1983 does not amount to retrenchment. The learned counsel further submits that the workman himself abandoned the work from 26-3-1983 and therefore he is not justified in asking for his reinstatement on 13-1-1992 i.e. after lapse of 9 years and that the refusal for reinstatement of the workman does not amount to retrenchment under the Act.

8. Admittedly the workman L. Govindu was not employed against a regular vacancy nor was he recruited to the post as per the Departmental Rules. On the other hand he was engaged as casual mazdoor on daily wage basis to meet certain exigencies of work. It is also clear from the evidence of workman himself that he did not attend to duties w.e.f. 26-3-1983 as he fell sick and that he underwent treatment under one Dr. P. Chandrudu, Civil Surgeon, Government Headquarters Hospital, Mahaboobnagar till January, 1992. There is nothing on record to show that the workman had informed the respondent with regard to his alleged illness or that he underwent treatment from Dr. P. Chandrudu. For the first time it was brought to the notice of the respondent on 13-1-92 when the workman submitted a representation (original of Ex. W3) for reinstatement. In other words, the workman informed the respondent about his ill-health after a lapse of more than 9 years, while he sought for reinstatement. In the absence of any information from the workman for his absence for such a long time, the respondent is justified in removing the name of the workman from the rolls of casual mazdoor. The name of the workman cannot be kept open on the Muster Roll of Casual Mazdoors for such a long time when there was no information from the workman. Further, as the workman is not a permanent employee but only a casual mazdoor on daily wages, it is not obligatory on the part of the respondent-employer to continue the name of the workman on the rolls of the casual mazdoor for such a longer time. Under those circumstances, it is but natural to infer that the workman had abandoned the service. In Buckingham and Carnatic Company Ltd. Vs. Venkatayya and Another (1963 II LLJ 638) that Lordships of Supreme Court observed thus: "It is true that under common law an inference that an employee has abandoned or relinquished service is not easily drawn unless from the length of absence and from other surrounding circumstances an inference to that effect can be lgitimately drawn and it can be assumed that the employee intended to abandon service." In the circumstances of the case on hand an inference can legitimately be drawn that the workman had abandoned his service as casual mazdoor.

9. The workman is relying on medical certificate and fitness certificate under Ex. W4. It is shown that he was suffering with illness and that he was under treatment from a Civil Surgeon Government Headquarters Hospital, Mahaboobnagar. It is significant to note that Ex. W4 is only a xerox copy and no explanations forthcoming for non-production of original medical certificate and fitness certificate issued by the Civil Surgeon Dr. P. Chandrudu who is said to have issued these certificates. He is not examined and there is no proof of these documents. Further this Medical Certificate does not mention the entire period of alleged illness of the workman. According to the workman W.W.1 he well sick on 25-3-83 and he was under treatment of Civil Surgeon, Government Headquarters Hospital Mahaboobnagar till the end of January, 1992. But as seen from the medical certificate Ex. W4, the Doctor has recommended for medical leave for a period of 6 years 9 months i.e. from 31-3-1985 to 31-12-1991 and, as seen from the fitness certificate, the workman was medically fit to resume duty with effect from 1-1-1992. Therefore this medical certificate relates for the period from 31-3-85 to 31-12-1991. It does not cover the period from 25-3-83 to 30-3-85. It is not known under whom the workman had taken treatment for that known under whom the workman has been produced. As earlier stated the Doctor who is said to have issued the certificate is not examined. Thus there is no proper proof of the issuance of the certificate by the concerned Medical Officer. I am not inclined to believe this medical certificate and fitness certificate under Ex. W4 with regard to the alleged illness of the workman for such a long time i.e. for a period of 9 years. The workman also did not choose to adduce any other evidence to corroborates his testimony with regard to his illness. There is much force in the contention of the learned counsel for the respondent that the workman has come up with the medical certificate Ex. W4 with a mala fide intention to secure Government employment. The respondent also is justified in his action

in not reinstating the workman on the basis of this medical certificate. Therefore it does not amount to 'retrenchment' under Section 2(oo) of the Act as contended by the learned counsel for the petitioner.

10. As seen from the entries in Ex. W2, an attempt was made on behalf of the workman to tamper the entries therein to show as if the workman had worked continuously for all the days in all the months. Ex. W2 is the Book containing the working days particulars of the workman E. Govindu from 1-7-1980 till 25-3-1983. It is no doubt true that the workman admits in his cross-examination that his name does find place in this Book so as to show that the entries in the Book relate to him. But M.W.1 has categorically admitted in his cross-examination that this Book Ex. W2 relates to the workman E. Govindu. The entries in this Book have also been certified by the Jr. Engineer and also S. L. Col. No. 6 of Ex. W1 relates to the dates the workman worked in each month. There is manipulation in the figures mentioned in this Column, with regard to the No. of days the workman had worked. For each month some more days have been added to the existing figures of the days. Added figure is in different ink and obviously it has been made with a view to show that the workman had worked throughout the month. It can be inferred from the face of the entries in this Book. Sl. No. 12 relates to work done for the month of June 1981. As seen from Col. 6 the original figure is '27' but four more days have been added to this figure to show as if the workman had worked 31 days during that month. It is common knowledge that the month of June contains only 30 days and as such the workman could not have worked for 31 days in the month of June, 1981. Likewise Sl. No. 30 relates to December, 1982. As seen from this entry the workman had worked from 1-12-1982 to 12-12-1982. In Cl. No. 6 the original figure is '11' but plus '2' has been added to show as if the workman had worked for 13 days. But the workman could not have worked for 13 days during the period from 1-12-1982 to 12-12-1982. Sl. No. 32 relates to the period from 6-3-1983 to 25-3-83. In Col. No. 6 the original figure is '17' days but there is plus '4' to show as if the workman had worked for 21 days, but the workman could not have worked for 21 days during the period from 6-3-83 to 25-3-83 which comes to only '20' days. Sl. No. 33 relates to for the period from 26-3-83 to 31-3-83 and Sl. No. 34 relates to 1-5-83. But it is not the case of the workman that he attended to the work after 25-3-1983. Obviously an attempt was made on behalf of the workman to interpolate the figures in Col. No. 6 of Ex. W2 which relates to the No. of days the workman had worked with the respondent and obviously it has been attempted with a view to show that the workman had worked continuously for all the days in all the months from 1-7-82 to 25-3-83. Therefore, the workman also has not come with clean hands as he had interpolated the documents to suit his convenience and to secure a gain on account of the same Excluding interpolated figures the workman had not worked for more than 240 days in the preceding 12 months from 25-3-1983.

11. In the light of my above discussions, I have no hesitation to conclude that there is no retrenchment of the workman E. Govindu by the respondent with effect from 25-3-83, that there is abandonment of the duties by the workman himself from 26-3-83 onwards and that the refusal for reinstatement of the workman on his representation also does not amount to retrenchment as contended by the learned counsel for the petitioner and workman also failed to substantiate his plea that he could not attend for duties for such a long time due to his ill-health and that the petitioner failed to make out a case for reinstatement of the workman E. Govindu into service. Therefore, I hold on this point that the workman E. Govindu is not entitled for reinstatement into service and for back wages etc., the point is thus decided in favour of the respondent and against the petitioner herein.

12. POINT 2.—This point relates to the relief to be granted to the workman E. Govindu. In view of my findings on Point No. 1, the workman is not entitled for reinstatement and for any relief in this reference.

13. In the result, an award is passed stating that the petitioner union is not justified in asking for reinstatement of the workman Sri E. Govindu and that the workman E. Govindu is not entitled to for any relief in this reference.

Award is thus answered accordingly. The parties are directed to bear their costs.

Dictated to the Steno-typist, transcribed by him, corrected by me given under my hand and the seal of this Tribunal, this the 23rd day of December, 1995.

A. HANUMANTHU, Industrial Tribunal-I Hyd.

Appendix of Evidence

Witnesses Examined for the Petitioner :	Witnesses Examined for the Respondent :
W.W.1 E. Govindu	M.W.2 S. Vijayam
	M.W. 2 M. Veeranna

Documents marked for the Petitioner :

Ex. W1—Xerox copy of the Caste Certificate of the workman.

Ex. W2—Working day particulars Book of the workman.

Ex. W3—Xerox copy of the representation made to S.D.T. Telecom, Mahaboobnagar, dated 13-1-92.

Ex. W4—Xerox copy of the Medical Certificate.

Ex. W5—Letter dated 6-2-92 from Telecom District Engineer, Mahaboobnagar to the workman E. Govindu.

Ex. W6—Copy of the representation of the petitioner-Union dated 25-2-92 to the Regional Labour Commissioner (C), Hyderabad.

Ex. W7—Reply dated 27-7-92 of the Asstt. Engineer Phones (Gr.) Mahaboobnagar.

Ex. W8 and Ex. W9—Minutes of discussions held on 9-7-92

Ex. W10—Failure Report dated 14-8-92.

Documents marked for the Respondent :

NIL

नई दिल्ली, 11 मार्च, 1996

का०आ० 1164:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत सरकार मिन्ट के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-96 को प्राप्त हुआ था।

[संख्या एल०-16012/6/93-आई०आर० (डी०यू०)]

के०वी०बी० उन्नी, डैस्क अधिकारी

New Delhi, the 11th March, 1996

S.O. 1164.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of India Government Mint and their workman, which was received by the Central Government on 8th March, 1996.

[No. L-16012/6/93-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri A. Hanumanthu, M.A.,LL.B., Industrial Tribunal-I

Dated : 24th day of January, 1996

Industrial Dispute No. 35 of 1995

BETWEEN

Sri P. Venugopal, S/o Sri P.Ramanpuja Chary, H. No. 13.6.440/1, Jham Sing Temple, Humayan Nagar (P.O.), Hyderabad-500028.

... Petitioner

AND

The General Manager, Indian Government Mint, Hyderabad, A.P.-500004

... Respondent

APPEARANCES :

None—for the Petitioner.

Sri P. Damodar Reddy, Advocate—for the Respondent

AWARD

The Government of India, Ministry of Labour, New Delhi by its Order No. L-16012/6/93-IR(DU), dated 17th January, 1995 made this reference under Section 10(1)(d) (2A) of the Industrial Disputes Act, 1947 for adjudication of the Industrial Dispute mentioned in its schedule which reads as follows :

"How for the action of the management of India Government Mint, Hyderabad represented by their General Manager in terminating the service of Shri P Venu Gopal Casual Clerk who has worked on multifunctional job is right, while regularising the service of Sri T. V. K. Srinivasan who was selected alongwith the workman in dispute as casual clerk ? If not, to what relief the workman in dispute is entitled to ?

The said reference has been registered as I.D. No. 35/95 on the file of this Tribunal.

This Tribunal issued notice dated 4th March, 1995 to both the parties to appear before this Tribunal on 27th March, 1995. Petitioner was called absent on that day and there was no representation. But an Advocate who is Standing Counsel for the Central Government appeared and filed Memo of Appearance for the Respondent. The matter was posted from time to time for the appearance of the petitioner and to file his Claim Statement. Because of the non-appearance of the petitioner and no acknowledgement is received from the petitioner to that notice dated 4th March, 1995, a fresh notice was ordered on 13th June, 1995. The case was adjourned from time to time from that day for receiving the acknowledgement from the petitioner. Because of non-receipt of Acknowledgement from the petitioner to that notice. This Tribunal again issued fresh notice dated 3rd November, 1995 This notice was acknowledged by the Petitioner on 14th November, 1995.

On 8th December, 1995 when the matter was called neither the petitioner appeared nor representation was made. Hence this Tribunal set him exparte. The matter was posted to 29th December, 1995 for filing of the Counter of the Respondent. On 24th January, 1996 the Advocate for the Respondent reported that he has no Counter as the petitioner remained exparte. The petitioner at whose instance this reference was made is not taking any interest. Hence there are no triable issues in this case.

From the perusal of the docket sheet it is clear that the petitioner has no interest in prosecuting the matter. Hence there is no option for this Tribunal except to close the reference. I hold that the petitioner is not entitled to any relief and the reference is closed.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 24th day of January, 1996.

A. HANUMANTHU, Industrial Tribunal-I

Appendix of Evidence

NIL

नई दिल्ली, 11 मार्च, 1996

का०आ० 1165 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में विनिर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-96 को प्राप्त हुआ था।

[संख्या एल० -40012/18/93-आई०आर० (डी०यू०)]

के०वी०बी० उन्नी, डैस्क अधिकारी

New Delhi, the 11th March, 1996

S.O. 1165.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Telecommunication and their workman, which was received by the Central Government on 8th March, 1996.

[No. L-40012/18/93-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri A. Hanumanthu, M.A.,LL.B., Industrial Tribunal-I.

Dated : 16th day of January, 1996

Industrial Dispute No. 46 of 1994

BETWEEN

Shri N. Kankaiah, S/o Rajaiah, Mote Village, Via Ramadurg-505531, Karimnagar Dist.

. Petitioner.

AND

The Sub-Divisional Officer, Telecom, Karimnagar-505002.

. . Respondent.

APPEARANCES :

Sri G. Suryanarayana, Advocate—for the Petitioner. Subsequently the petitioner was set ex-parte on 16th January, 1996.

Sri P. Damodar Reddy, Advocate Addl. Standing—for the Respondent.

AWARD

The Government of India, Ministry of Labour, New Delhi by its Order No. L-40012/18/93-IR(DU), dated 13th July, 1994 made this reference under Section 10(1)(d) and 2A of Industrial Disputes Act, 1947 for adjudication of the Industrial Dispute mentioned in its Schedule which reads as follows :

"Whether the action of the management of SDO, Telecom, Karimnagar in terminating the services of Shri N. Kankaiah w.e.f. 25th May, 1987 is legal and justified ? If not, to what relief he is entitled to ?"

The said reference has been registered as I.D. No. 46/94 on the file of this Tribunal. After receiving the notices issued by this Tribunal, the petitioner through his counsel appeared and filed Claims Statement on 17th October, 1994. Government Pleader appeared for the respondent. But the respondent was set exparte on 16th May, 1995 as he failed to file the counter and to pay the awarded costs. The matter was adjourned for petitioner's evidence from time to time.

2. On 18th July, 1995 the respondent filed I.A. No. 98/95 to set aside exparte order. The same was allowed by this Tribunal on 14th August, 1995 and the exparte order was set aside. The respondent filed its counter on the same day. The matter was adjourned from time to time for enquiry.

3. The matter was posted finally to 28th November, 1995. On that day, both parties were not ready. Hence the matter was adjourned to 19th December, 1995 as a last chance. Again on that day the petitioner was not ready and the matter was adjourned to 15th January, 1996 on payment of costs of Rs. 25 to the respondent. The matter was called on 16th January, 1996 as 15th January, 1996 happened to be a Holiday. On 16th January, 1996 the learned counsel for the petitioner reported no instructions for the petitioner. Petitioner was also called absent and the costs awarded were not paid. Hence this Tribunal set the petitioner exparte. The learned counsel for the respondent submitted that the respondent has no evidence as the petitioner has been set exparte. Hence there are no triable issues in this industrial dispute. Therefore the reference is closed.

4. From the perusal of the docket sheet, it is clear that the petitioner is not taking any interest to prosecute the matter. Since the petitioner is not interested in prosecuting this case, I hold that the petitioner is not entitled for any relief and the reference is closed.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 16th day of January, 1996.

A. HANUMANTHU, Industrial Tribunal-I, Hyd.

Appendix of Evidence :

NIL

नई दिल्ली, 13 मार्च, 1996

का०आ० 1166 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस०सी०सी०एल० के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/3/96 को प्राप्त हुआ था।

[सं० एल०-22012/273/91-आई०आर० (सी०-II)]

ब्रज मोहन, डैस्क अधिकारी

New Delhi, the 13th March, 1996

S.O. 1166.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on the 11-3-96.

[No. L-22012/273/91-IR (C. II)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri A. Hanumanthu, M.A., LL.B., Industrial Tribunal-I.

Dated : 12-1-1996

INDUSTRIAL DISPUTE No. 76 OF 1991

BETWEEN

The General Secretary, I.T.S. Association (Ind.) PO Godavarikhani, Dt. Karimnagar (AP) .. PETITIONER

AND

The General Manager, RG(P), S.C.Co. Ltd., P.O. Godavarikhani, Dist. Karimnagar (AP) ... RESPONDENT

APPEARANCES :

Sri K. Vasudeva Reddy, Advocate for the Petitioner.

M/s. K. Srinivasa Murty & G. Sudha, Advocate for the Respondent.

AWARD

This is a reference made under Clause (d) of Sub-Section (1) and Sub-Section 2A of Section 10 of the Industrial Dispute Act, 1947 (hereinafter called the 'Act') by the Government of India, Ministry of Labour, New Delhi in its Order No. L-22012/273/91-IR(C.II), dt. 4-12-1991 for adjudication of the Industrial Dispute mentioned in its schedule which reads as follows:

"Whether the action of the management of M/s. S.C. Co. Ltd., Projects Ramagundam Division, Godavarikhani in terminating the services of Sri Shaik Chand, Ex. Shot Firer, GDK-6 Incline w.e.f. 16-1-1980 is justified ?

If not, to what relief the workman is entitled to?"

The said reference has been taken on the file of this Tribunal as I.D. No. 76 of 1991. After receipt of the notices issued by this Tribunal, the petitioner and the respondent have put in their appearance and they are being defended by their counsel.

2. On behalf of the petitioner, the General Secretary Mining Technical Staff Association (Ind.) Godavarikhani, a Claim Statement has been filed by the workman Shaik Chand to the following effect :

The workman Shaik Chand was appointed in the respondent company on 11-8-1960 as Coal Filler. Subsequently, he passed the Shot Firer's Competency Examination on 26-10-1964 and as result of it, he was promoted as Shot Firer and posted to work at GDK 5 Incline, w.e.f. 9-2-1965. The statutory Shot Firer Certificate should be renewed once in 5 years. Whenever an employee is appointed or promoted to a statutory post, all the certificates would be kept with the Colliery Manager of the concerned Mine. As and when the due date of renewal approaches, the respondent-company will issue a notice to the concerned employees intimating the next date of renewal, to apply for the same by paying requisite fee. The workman Shaik Chand renewed his Certificate on 31-7-1969 in the first instance and subsequently he got renewed it on 18-7-1974. Though the Colliery Manager, GDK 6 Incline was expected to issue a notice intimating the next date of renewal, he did not issue any such letter, contrary to the established procedure. Eventhough the workman applied for the third renewal of his shot firer Certificate in the month of October, 1978, but due to delay at Dy. DMS Office, Hyderabad, his certificate could not be revalidated in time. The workman was pursuing the matter with the authorities to get his Shot Firer Certificate revalided. In the meanwhile, all of a sudden the Colliery

Manager of GDK 6 Incline, by his Order dt. 16-1-1980, illegally and arbitrarily issued the order of termination from the service without even giving him any sort of notice or opportunity. Immediately he met the Colliery Manager of GDK 6 Incline, and requested him to withdraw the same or in the alternative to provide him an alternate job as is being done in the case of others till the revalidation of his Short Firer Certificate. But the Colliery Manager, GDK 6 Incline did not heed to his requests. Thereafter the workman submitted many representations to the General Manager explaining the injustice meted out to him and requested to provide him an alternate job till the revalidation of statutory certificate of Shot Firer. But his request went unheeded. The Shot Firer competency certificate of the workman was ultimately renewed on 6-8-1980. Thereafter he approached the respondent Authorities to reinstate him into service, but in vain. The workman continued to approach the Respondent Authorities and submitted many representations. At last after 5 long years of painful ordeal and sufferings, the General Manager (Personnel) issued Office order appointing the workman as Shot Firer temporarily for a limited period and continued him temporarily for sometime and ultimately he was appointed as Shot Firer with starting basic pay in the Grade 'D' w.e.f. 1-11-1986. Even after the said fresh appointment, the workman submitted many representations to count his previous service, to give all the back wages, but so far no order has been passed by the respondent-authorities regarding continuity of service with back wages. The termination of service of the workman as Shot Firer by the Colliery Manager of GDK 6 Incline was not only illegal arbitrary and without jurisdiction but also opposed to Section 25(N) of the Act and Article 311(2) of Constitution of India. The workman was a permanent employee of the respondent-company and holding the post of Shot Firer which is a monthly grade post. Appointing authority for the post of Shot Firer is the General Manager of the concerned Area. The Colliery Manager of GDK 6 Incline is much below in rank to that of General Manager. The Colliery Manager is not competent to terminate the services of the workman. Therefore the order of termination issued by the Colliery Manager is void abinitio. Even assuming that the Colliery Manager of GDK 6 Incline has got the power of termination, even then the workman could have been reverted to his substantive post, till the Shot Firer Certificate is renewed. Hence the terminaion of the workman from service as Short Firer is illegal. If shot firer certificate was not renewed in time, the Colliery Manager should have referred the workman to the medical examination under Rule 29 B of the Mines Rules, 1955. But instead of it the Colliery Manager chose to terminate the services of the workman, hence the action of the Colliery Manager is a clear case of victimisation. The respondent authorities ought to have reinstated the workman into service at least with effect from 6-8-1980 i.e. from the date when his Shot Firer's Certificate was renewed. When the Respondent-Management did not respond to the reprsentations of the workmau, the petitioner-Association took up the cause, of the workman and raised an Industrial Dispute before the Conciliation Officer. But the conciliation ended in failure and the Conciliation Officer submitted his failure report and thereafter this reference has been made to this Tribunal for adjudication. Hence the petitioner prays to declare the action of the Colliery Manager in terminating the services of the workman Shaik Chand as illegal and to set aside the same and also to direct the respondent-Management to treat the services of the workman as Shot Firer as continuous, treating the illegal termination dt. 16-1-1980 as honest and also to direct the respondent-Management to pay full wages and other attendant benefits.

3. On behalf of the Respondent-Management, a counter has been filed to the following effect :

The petitioner claim has become stale and as such it cannot be entertained by the Court as it will cause much prejudice to the respondent. The workman in dispute had kept quiet for a period of 11 years. Therefore the claim of the petitioner is liable to be dismissed on this ground alone. The petitioner-Union made a representation on 16-10-1989 for the first time and first conciliation meeting took place on 28-12-89 and continued upto 16-5-91 and it ended in failure. It is true that the workman was appointed on 11-8-1960 as Coal Filler. He acquired skills of Shot Firer. He also passed competency examination of Shot Firer on 26-10-1964 while he was working in Shanti Khani and by virtue of promotion order he was posted in the permanent vacancy at GDK 6 Incline, as Shot Firer. Under Regulation 27 of Coal Mines Regulations, 1957, the Shot Firer Certificate holds good for 5 years and it has to be renewed from Mines Department and without the said certificate one cannot function as Shot Firer. The Shot Firer is a statutory post under the Mines Act and its regulations. Without holding valid shot firer certificate, the shot firer can not enter into the Mine, nor he can discharge his duties. The statutory employees who have obtained certificates and submitted to the management are fully aware when 5 years term will be completed. By way of abundant caution, the Management issues the notices to the concerned whose certificates got barred and are got to be renewed and to apply to the concerned authorities after paying the requisite fees. The workman Shaik Chand is fully aware of the same and in 1969 he renewed and submitted the renewed certificate on 31-7-1969 and the 2nd renewal was done on 18-7-1974. Mandatory obligation rests with the workman to renew for 3rd time which he has not chosen to do so. The respondent has no knowledge when the workman filed application before DMS, Hyderabad for renewal. From 1974 to 1978, there is no correspondence with regard to his renewal, nor the workman intimated the same to the respondent. The respondent has no knowledge under what circumstances DMS has not renewed the certificate of the workman. The Colliery Manager cannot permit any statutory workman to discharge his duties as Shot Firer in the absence of renewed shot firer certificate. Otherwise it amounts to violation of the provisions under the Mines Act and its regulations. Under normal circumstances, the workman ought to have submitted certificate on or before 18-7-1979. But he failed to do so. Mines Manager, having checked up this omission of not submitting certificate, called upon the workman and asked for submitting renewed certificate. Inspite of that no expeditious step have been taken by the workman which regulated in his service being terminated on 10-1-1980 as he was holding, as on that day, any valid competency certificate. In such cases, the question of giving any sort of notice or opportunity does not arise. The allegation that immediately after receipt of the said termination order, the workman approached the Colliery Manager and requested to withdraw the termination order or to provide him alternate job is false. The workman never approached the Colliery Manager after termination letter was issued. Whenever the statutory staff are not holding competency certificate and they could not get it renewed, they approached the Colliery Manager with written application and also express their intention to work in a particular post as alternate. Basing upon the said inclination of the staff and availability of vacancy, the posting is given to him. This practice has been adopted in the company only to maintain good industrial relations, peace and harmony. Otherwise, the management is not having any obligation for employee in question to post in alternative post or continued to be in the same post for his own choice. The workman Shaik Chand never approached the Colliery Manager for such an alternative post. After termination, the workman for the first time approached the Colliery Manager on 21-7-1983 with written application stating that his certificate is valid upto 1985 and requested to consider his case sympathetically for reinstatement. The Shot Firer Vacancy in GDK 6 16-1-80 by another employee who was holding competency 16-1-80 by another employee who was holdings competency certificate. Thus there was no vacancy for reinstatement of the workman. After submitting written application on 21-7-83, the workman Shaik Chand did not choose to come to Mine or pursued the matter. The said petition was kept pending and on 20-11-84, the Dy. Chief Mining Engineer made endorsement stating that the workman is holding valid

certificate and he may be considered fresh appointment. Again on 6-5-1985 a mercy petition was submitted by the workman asking for reinstatement. By the time the said application was received, the life of competency certificate was upto 6-8-1985. No renewed certificate was sent along with the application dt. 6-5-1985. The workman again approached on 24-6-1985 with valid competency certificate. Hence the workman was given temporary appointment from 24-6-1985 to 31-7-1985 and once again from 18-8-1985 to 31-10-1985 and it was further extended upto 31-10-1986. In November, 1986 substantive post of vacancy of Shot Firer arose and the workman Shaik Chand was given fresh appointment on 1-11-1986 as Shot Firer and he continued in service from that date onwards. The workman has no right to ask for continution of service as he has been terminated from substantive post on 161-80. The workman has lost his job as he failed to hold the competency certificate as Shot Firer. The allegation that after shot firer certificate was renewed on 6-8-1980 the workman approached the authorities to reinstate him into service but in vain is false. In his application dt. 18-10-1989 the workman requested for continuity of service as well as for back wages. The respondent having considered the application, passed an order on 27-9-89 allowing continuity of service from first temporary employment i.e. from 24-6-1985 and the main reason for considering him is that he is an old employee and had put in substantial long years of service and also on humanitarian ground. From 1980 to 1985 the workman did not prosecute his case at all and simply he sent application and kept quite. As such the workman cannot hold lien on the first substantive post which was given by the management. The case of the workman does not fall within the purview of Section 25(N) of I.D. Act and Article 311(2) of Constitution of India. The Colliery Manager, having noticed that the workman had no valid competecy certificate for shot firer, communicated to the General Manager concerned and after his approval & sanction, only the Colliery Manager passed the order of termination and as such it is valid and binding on the workman. Unless the employee seek for alternative employment, the employment will be provided to the workman. There is no rule or regulation in the Company to revert a mining Staff to his substantive post. Reverting to substantive post will arise either by way of punishment or by mistake if anybody is promoted it he will be brought back to the original post. Because of his own deeds, the workman has been terminated by the Management. The allegation that the Colliery Manager ought to have referred the workman to medical examination under 29B of the Mines Rules, 1957 is not correct and does not arise. The Rule 29 B has been inserted by notification dt. 30-7-85. Prior to 30-7-85 there was no such regulation. The workman has not sustained any substantial loss and his continuity of service was given to the workman from 30-6-85. The workman is not entitled. Therefore the workman is not entitled to service with effect from 16-1-1980 as he lost the right on the substantive post. The workman is also not entitled for continuity of service not back wages. Hence the petition is liable to be dismissed.

4. To substantiate their respective contentions, the petitioner examined W.W1 & W.W2 and marked Exs. W1 to W19 on its behalf and on behalf of the respondent-Management, M.W1 is examined and no documents are marked. The workman Shri Shaik Chand is examined as W.W.1 and he deposed to the averments in the claims statement. W.W2 Sri V. Gopal is working as Overman in the respondent-company and he deposed to the practice of giving an alternative appointment during the period of revalidation of a certificate to a statutory employee and that in his own case the cause of delay in revalidation of overman certificate he was given alternative appointment from 19-8-86 to 1989 and he also produced xerox copy of the overman certificate Ex. W1. Y.. Ramachandra Reddy working as Chief Dy. Mining Engineer, GDK is examined as M.W.1 and he deposed to the averments in the counter. The details of the documents Exs. W1 to W19 marked on behalf of the petitioner are appended to this award.

5. The points that arise for consideration are as follows :

(i) Whether the action of the Respondent-Management in terminating the services of Sri Shaik Chand, Ex. Short Firer, GDK 6 Incline with effect from 16-1-1980 is justified?

(ii) To what relief the workman Shaik Chand is entitled to in this reference ?

6. Point—1 : The admitted facts as revealed from the evidence on record are as follows : The petitioner herein is the General Secretary of Mining Technical Staff Association, Godavarikhani in Karimnagar District. The workman Shaik Chand is a member of the petitioner-Association. Shaik Chand originally was appointed in the respondent-Company as Coal Filler on 11-8-1960. While he was working as Coal Filler he acquired skills of Shot Firer and he also passed the competency examination of Shot Firer on 26-10-64. By virtue of it, he was promoted as Shot Firer in the permanent vacancy at GDK 6 Incline with effect from 9-2-65. The workman Shaik Chand was terminated from service with effect from 16-1-80 by the Colliery Manager of GDK 6 Incline for the reason that the workman did not get his Shot Firer Certificate revalidated in time as required under Regulation 27B of Coal Mines Regulations, 1957 so as to enable him to work in the Mine. The workman got his Shot Firer Certificate renewed on 6-8-1980. He was not provided with any alternate job in the respondent-company during the period of re-validation. Basing upon the valid competency certificate of shot firer produced by the workman, he was given temporary appointment from 24-6-1985 to 31-7-1985 and once again from 18-8-85 to 31-10-1985 and it was further extended upto 31-10-1986 under Exs. W6, W7 and W8. The workman was given fresh appointment from 1-11-86 under Ex. W9 as Shot Firer Grade 'D'. Under Ex. W10 dt. 22-7-1988 his probation was declared and he was confirmed as shot firer Grade 'D' with effect from 20-2-1988. Exs. W2 to W5 and Ex. W11, W14 and W16 are the representations and the mercy petition submitted by the workman requesting the Management to provide him alternate appointment and for continuity of service with backwages. Ex. W12 is the letter of Management, dt. 3-10-1988 informing the workman that his application has been forwarded to the Colliery Manager GDK 6 Incline to send his details regarding his grievances. Ex. W13 is the letter of Management dt. 2-11-88 informing the workman that his request for revocation of his termination cannot be agreed to. Ex. W15 is the letter dt. 6-12-88 submitted by the petitioner-Association to the Asstt. Labour Commissioner (Central) Hyderabad raising the dispute on behalf of the workman Shaik Chand. Ex. W7 is the acknowledgement of the Director, Welfare Administration of the Respondent-Company with regard to the receipt of the representation of the workman. Ex. W18 is the letter dt. 13-9-90 of the respondent issued to workmen Shaik Chand informing him that though his services were terminated with effect from 16-1-80, his gratuity amount is pending for submission of application form and the workman was advised to meet the Welfare Officer GDK 6 Incline for settlement of his claim. Ex. W19 is the minutes of conciliation proceedings held on 16-1-91, but this does not relate to the dispute of Shaik Chand, Workman herein, and it relates to an anomoly in the date of promotion to the post of Shot Firer of the workman B. Rama Rao.

7. The learned counsel for the petitioner submits that the order of termination of the services of the workman as Shot Firer with effect from 16-1-1980 by the Colliery Manager is illegal, arbitrary and as such not maintainable. The learned counsel for the petitioner further submits that the impugned order of termination of service of the workman was passed by an incompetent person and against the Certified Standing Orders and conduct and disciplinary Rules of the respondent company. Admittedly, the workman was originally appointed as Coal Filler on 11-8-1960 and he passed Shot Firer examination on 26-10-1964 and obtained shot firer competency certificate and by virtue of it, the workman was promoted as Shot Firer on 9-2-1965. Admittedly the post of Shot Firer is a statutory post and the workman without having competency shot firer certificate he can not be allowed to work as shot firer. Further under Regulation 24 of Coal Mines Regulations, 1957 when a Shot Firer is employed in a mine in a capacity which requires the possession of the

said certificate, he shall deliver such certificate to the manager of the Mine in which he is, for the time being, employed and the manager of the Mine shall deliver to such a person a receipt for the same. Under Regulation 27, the said certificate shall remain valid for a period of not more than 5 years unless it is renewed. The Regulation 27 reads as follows :

27. Validity of an overman's Sirdar's Engine Driver's Shot Firer's, (Lamp Checker's) and Gas-testing Certificate :

(1)(a) No overman's, Sirdar's Engine-Driver's or Shot Firer's (Lamp Checker's) and Gas testing Certificate shall remain valid for a period of more than five years unless the certificate bears an endorsement by the regional inspector to the effect that the holder has within the preceding five years, been examined and certified by a qualified medical practitioner appointed by the Chief Inspector to be free from dearness, defective vision or any other infirmity, mental or physical, likely to interfere with the efficient discharge of his duties.

(b) An application in respect of an examination in pursuance of clause (a) shall be made to the Chief Inspector, accompanied by a fee of fifteen rupees."

Under this Regulation, the workman Shaik Chand should get his shot firer certificate renewed for every five years. It is in the evidence of W.W1 that he got his certificate renewed for the first time on 31-7-1969 and second time on 18-7-1974 and it was due for renewal for third time by 17-7-1979. Admittedly the workman did not get his certificate renewed as required under Regulation 27 and the Colliery Manager passed the impugned order dt. 15-1-1980 terminating the services of the workman Shaik Chand. The said impugned order dt. 16-1-1980 is not produced either by the petitioner or by the respondent-company. But it is admitted that M.W1 the then Colliery Manager terminated the services of the workman with effect from 16-1-80 for non-renewal of the Shot Firer Competency Certificate. It is not disputed that the appointing authority for the post of Shot Firer which is a statutory post, is the General Manager who is much higher in rank than the Colliery Manager. M.W1 also admitted in his cross-examination that "for the post of Overmen, Mining Sardars and Shot Firer, the General Manager is the appointing authority. Section II of Conduct and Discipline rules relating to the respondent-company deals with the discipline and Appeals. The Rule 4(a) of Section II reads as follows :

4. Notwithstanding anything contained in these rules.

(a) No employee shall be removed or dismissed by an authority lower than that by which he is appointed to the post held by him substantively.

In the instant case the workman Shaik Chand was appointed as Shot Firer by the General Manager who is superior than the Colliery Manager. Therefore under this Rule the authority lower than that of General Manager is not competent to dismiss or remove the workman Shaik Chand. But unfortunately, the impugned order of termination of the workman Shaik Chand was passed by the Colliery Manager M.W2 who is an authority lower in rank than that of General Manager. The respondent-company tries to justify its action by taking a plea in para 10 of its counter that the Colliery Manager passed the order of termination with the approval and sanction of the General Manager. M.W1 who was the Colliery Manager who passed the impugned order of termination, did not speak anything on this aspect and he did not specifically say that he passed the impugned order of termination with the approval and sanction of the General Manager. Further, inspite of directions by this Tribunal, in I.A. No. 123/94 to produce the records pertaining to the alleged approval and sanction given by the General Manager to the Colliery Manager GDK 6 Incline for termination of the services of the workman Shaik Chand, the respondent company failed to produce the same. Hence an adverse inference is being drawn to the effect that no such prior approval and sanction was obtained from the General Manager for issuing impugned termination order by the Colliery Manager. Therefore the order of termination of services of the workman Shaik Chand is illegal and void as it has been passed by an incompetent person.

8. There is also much force in the contention of the learned counsel for the petitioner that the impugned order of termination of the workman is in violation of the Certified Standing Orders and that the conduct and discipline rules of the respondent-company. Under Standing Order 13(a), for terminating the employment, whether by the management or by an employee, notice shall be given in writing by the party concerned (i) one month's notice for monthly staff and (ii) two weeks notice for other employees. Under sub-clause (b) of Standing Order 13 the management may make payment of one month's or two weeks wages, as the case may be, in lieu of notice. But in the instant case admittedly no notice was issued to the workman Shaik Chand before his services were terminated with effect from 16-1-80. Therefore the termination of the workman is against the existing Certified Standing Orders of the Respondent-Company.

9. Rules 5 & 7 of Conduct and Discipline Rules of the respondent company relate to dismissal and removal from service respectively, of an employee of the respondent-company. Under Rule 5 an employee of the company shall be liable to be dismissed from service in the following circumstances.

(i) conviction by a criminal court,

(ii) serious misconduct, or

(iii) neglect of duty resulting in or likely to result in, loss to the Company or danger to the lives of persons working in the company, or

(iv) insolvency or habitual indebtedness, or

(v) obtaining employment by the concealment of his antecednts. which would have prevented his employment in the Company service had they been known before his appointment to the authority appointing him.

Under Rule 7, an employee of the company shall be liable to be removed from service in the following circumstances; viz.,

(i) inefficiency

(ii) committing any offence for which he may be dismissed under rule 5;

(iii) repeated minor offences;

(iv) absenting himself or overstaying sanctioned leave without sufficient cause,

(v) incivility to the public or his superiors.

Rule 6 lays down the procedure for dismissal or removal from service of an employee by the Company. As seen from these rules non-renewal of a statutory certificate like that of a shot firer certificate is not made a ground either for dismissal or for removal from service of an employee from the Company. Further the procedure, as laid down under Rule 6, was also not observed while terminating the services of the workman Shaik Chand. It is in the positive evidence of M.W.1 that the workman Shaik Chand was removed from service for not renewing his shot firer certificate before its expiry on 17-7-1979. It is not a ground for removal or termination of the service of the workman as seen from this conduct rule, and as such the termination of the workman Shaik Chand is also against the conduct and discipline rules of the respondent-company.

10. Admittedly the post of Shot firer is a statutory post and one should possess a valid shot firer certificate, either for being appointed to the post or to be continued in service in that post. Admittedly by not renewing his certificate the workman Shaik Chand had become ineligible to continue in that post subsequent to 17-7-1979. He was allowed to continue to work as shot firer till 16-1-1980 when the impugned order of termination of service was passed. It is also not disputed that the workman Shaik Chand was originally appointed as Coal Filler and later on he was promoted as shot firer on his obtaining statutory certificate of shot firer.

When the workman gets disqualified to work as shot firer, the management ought to have reverted the workman Shaik Chand to his substantive post as Coal Filler from which post he was promoted as Shot Firer, till such time the workman gets his certificate revalidated under Regulation 27 of the Coal Mines Regulations quoted earlier. Thus there is no justification for the respondent-management to terminate the services of the workman for his failure to get his certificate renewed within time.

11. The learned counsel for the petitioner next submits that there is a practice in the respondent-company that whenever a statutory certificate produced by a statutory post employee has not been revalidated any time, such employee would be posted in non-statutory post till such certificate is revalidated, that under similar circumstance, W.W2 and other employees were posted in non-statutory posts and they were not terminated from service for non-renewal of their statutory certificates, that the respondent-company made discrimination in respect of the workman Shaik Chand in not providing non-statutory post during the period of non-revalidation. There much force in this contention. It is in the evidence of workman as W.W1 that he approached the Colliery Manager and General Manager and requested not to terminate his service, and to provide alternate employment till he gets his certificate revalidated, and that inspite of his repeated representations, he was not given any alternate employment. It is also in the evidence of W.W1 that one Mr. Jatti Kanakaiah of GDK 1 Incline was shown alternate employment when his certificate was lapsed and he also produced Ex. W1 xerox copy of the overman certificate of Sri V. Gopal (W.W2) whose services continued even after expiry of statutory certificate. W.W2 V. Gopal is working as Overman in GDK 5 Incline and he deposed on this aspect thus : "If in case any statutory certificate is not revalidated within time the concerned employee, who got the promotion by virtue of the statutory certificate will be shown an alternative employment by the management till the certificate is revalidated. In many cases the company provided alternative employment to several employees whenever the statutory certificates are not revalidated in time. In my case also I was given other supervisory job till my certificate was revalidated. Further Mr. Thummala Pratap Reddy who was also a shot firer at G.D.K. 6 Incline, whose certificate was not revalidated in time in the year 1984 and renewed in the year 1988, was given alternative employment as coal cutter from 1984 to 1988. Ex. W1 is the copy of my certificate. It is only a xerox copy. My overman certificate was due to be revalidated in the year 1986. As it was delayed it could be revalidated in the year 1988. From 1986 to 1988 I was given alternative employment. The original of Ex. W1 is available with the management. Service of Mr. Shaik Chand was terminated as his certificate was not revalidated in time in the year 1980. After his termination Sri Shaik Chand approached the colliery manager for providing alternative employment till the certificate is revalidated. But he was not given an alternative job. W.W2 has been subjected to cross-examination at length but nothing has been elicied to discredit his testimony. Hence I do not find any reason to disbelieve the evidence of W.W2, that he was given alternate employment from 1986 to 1988 during the period when his certificate was not revalidated. As seen from Ex. W1 for the first time overman certificate of W.W2 was revalidated on25-2-1981 and on the second occasion it was renewed on 26-8-88 and on third occasion it was renewed on 10-8-93. Therefore it was clear from this document that the overman certificate of W.W2 was not renewed from 24-2-86 to 25-8-88. It was true that during this period, W.W2 was provided with alternate employment by the respondent. Further the practice of providing alternate employment in non-statutory posts to the employees, is also admitted by M.W1. In his cross-examination M.W1 stated thus : "It is true to say that there is a procedure existing in 1980 also to revert the employees from higher cadre to lower cadre. It is true to say that in the post and in the present also several other workmen continued in service on non-statutory jobs even though their statutory certificates have been lapsed." In the instant case for the reasons best known to the respondent-company the alternate non-statutory post was not provided to the workman Shaik Chand. The workman has categorically pleaded in his claims statement and also stated in his evidence as W.W1 that he was not provided with alternate employment. This allegation is not controverted by the respondent-company in its counter. But M.W1 goes to the extent of making false statement stating that he provided alternative job to the workman. In his cross-examination he has stated thus "In fact I kept him on alternative job prior to his termination." Thus the workman Shaik Chand has been discriminated in not providing alternate employment during the period he could not get his certificate revalidated in time. M.W1, for the reasons best known to him, without providing alternate non-statutory post as per the practice prevalent in the company, straightaway terminated the services of the workman. In his cross-examination M.W1 stated thus : "It is true that in all cases whose certificates have not been renewed, their services have not been terminated. At the time of termination, the conduct of the workman i.e., Shri Shaik Chand was not satisfactory. The workman used to misbehave with the higher authorities on and off." But the alleged misconduct on the part of the workman Shaik Chand, is not pleaded in the counter filed on behalf of the respondent-company. Therefore it is only an after thought. It is clear from the evidence of M.W1 himself that he made deviation from the practice prevalent in the respondent-company and terminated the services of the workman. Thus the action of the M.W1 is nothing but arbitrary and the same is liable to be set aside.

12. Admittedly the workman got his shot firer certificate revalidated on 6-8-1980 as seen from the evidence on record. Even after revalidation of the certificate of the workman, he was not re-employed immediately. It was only after a period of 5 years, the workman was employed temporarily as fresh candidate depriving his two decades of service in the respondent-company. The explanation offered by the respondent-company for not employing the workman immediately, is far from satisfactory. The workman might have been put to great hardship and mental agony during the said period of 5 years. The explanation of the respondent-company that immediately after the termination of the workman on 16-1-80, his post of shot firer was filled up by another man and as such there was no vacancy, cannot be accepted. As per order in I.A. No. 123/94 the respondent company was directed by this Tribunal to submit the vacancy and appointment position for the post of shot firer of GDK 6 Incline with effect from 1-1-1980 to 1-1-1987, but the same has not been supplied for the reasons best known to the respondent. Hence an adverse inference has to be drawn against the respondent. Obviously to justify its stand for not taking the workman in to the job during that period, the respondent has taken up such a plea.

13. The learned counsel for the petitioner also submits that the impugned termination order is opposed to the provisions under Section 25N of the I.D. Act and also opposed to Article 311(2) of constitution of India. The previously Section 25N of I.D. Act was struck down by Divn. Bench of Madras High Court in K. V. RAJENDRAN Vs. THE DY. COMMISSIONER OF LABOUR MADURAI (1981 LAB I.C. 799) and Full Bench of Rajasthan High Court in J. K. SYNTHETICS Vs. UNION OF INDIA (1984 LAB. I.C. NOC 40 RAJASTHAN) holding that the section suffered from arbitrariness and unreasonableness. The present section 25N has been substituted by the Amending Act 49 of 1984 for the old section and it has come into force with effect from 18-8-1984. Therefore by the date of impugned termination order of the workman i.e. 16-1-80 the present section 25N was not in existence. Further, the provisions of Article 311(2) of constitution of India are also not applicable to the facts in this case.

14 In the light of my above discussion, I hold on Point No. 1 that the action of the respondent-Management in terminating the services of Shri Shaik Chand Short Firer GDK 6 Incline with effect from 16-1-80 is not justified. Hence the point is decided in favour of the workman and against the respondent.

15. POINT NO. 2—This point relates to the relief to be granted to the workman Shaik Chand. In view of my finding on Point No. 1 that the action of the respondent-Management in terminating the services of Shri Shaik Chand is not justified, the workman is entitled for continuity of his service without any break and for back wages and other attendant benefits for the period he was out of service.

16. In the result, award is passed stating that the action of the respondent-Management in terminating the services of Shri Shaik Chand Shot Firer GDK 6 Incline with effect from 16-1-1980 is not justified and that the workman Shaik

Chand is entitled for his continuity of service without any break and for full backwages for the period he was out of service and for other attendant benefits. The respondent-Management is directed to pay his backwages within three months from the date of publication of this award, failing which the same will carry interest at 12 per cent per annum till its realisation. The parties are directed to bear their costs.

Dictated to the Steno-typist, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal on this the 12th day of January, 1996.

A. HANUMATHU, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined for the Petitioner :
W.W1 Shaik Chand M.W1 Y. Ramachandra Reddy
W.W2 V. Gopal

Witnesses Examined for the Respondent :

Documents marked for the Petitioner-Workman :

Ex. W1—Xerox copy of overman's certificate dt. 13-7-76 of Sri V. Gopal.

Ex. W2—Copy of application of the petitioner dt. 25-1-80.

Ex. W3 to W5—Xerox copies of applications submitted by the petitioner.

Ex. W6 to W8—Office orders issued by the company appointing the Petitioner as shot firer on temporary basis.

Ex. W9—Office order dt. 19-8-87 issued by the General Manager appointing the petitioner as Shot Firer with effect from 1-11-86 on regular basis.

Ex. W10—Letter dt. 22-7-88 confirming the services of the petitioner as shot firer w.e.f. 22-2-88.

Ex. W11—Representation of the petitioner dt. 1-10-1988.

Ex. W12—Proceedings dt. 3-10-88 forwarding the grievances of the petitioner to the S.O.M.

Ex. W13—Letter dt. 2-11-88 issued by the Dy. C.M.E. refusing to consider the request of the petitioner.

Ex. W14—Representation dt. 20-11-88 of the petitioner.

Ex. W15—Letter dt. 4-12-88 submitted by the Vice President of the union to ALC.

Ex. W16—Xerox copy of the representation dt. 11-8-89 submitted to the Chief Administrative Officer.

Ex. W17—Acknowledgement dt. 16-2-89.

Ex. W18—Letter dt. 13-9-90 issued by the Colliery Manager.

Ex. W19—Failure report dated 16-5-91.

Document marked for the Respondent-Management.

NIL

नई दिल्ली, 13 मार्च, 1996

का०आ० 1167.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस०सी०सी०एल० के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है जो, केन्द्रीय सरकार को 11/3/96 को प्राप्त हुआ था।

[सं० एल०-22012/236/94-आई०आर० (सी०-II)]

ब्रज मोहन, डैस्क अधिकारी

New Delhi, the 13th March, 1996

S.O. 1167.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workman, which was received by the Central Government on the 11-3-96.

[No. L-22012/236/94/IR C-II]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

Present :

Sri A. Hanumanthu, M.A.,LL.B., Industrial Tribunal-I.

Dated : 24th day of January, 1996

INDUSTRIAL DISPUTE NO. 82 OF 1994

BETWEEN

The President, Telangana Coal Mines Labour Union (INTUC) Bellampalli, Distt. Adilabad .. Petitioner

AND

The Chief General Manager, Singareni Collieries Company Limited, Bellampalli, Distt. Adilabad .. Respondent

Appearances :

M/s. G. Vidya Sagar, V. Vishwanatham, N. Vinesh Raj and G. Ravi Mohan, Advocates for the Petitioner.

Sri William Burra, Advocate for the Respondent.

AWARD

The Government of India, Ministry of Labour, New Delhi by its Order No. L-22012(236)/94-IR. C.II, dt. 7-10-1994 made this reference under Section 10(1)(d) and 2A of Industrial Disputes Act, 1947 for adjudication of the Industrial Dispute mentioned in its schedule which reads as follows:

"Whether the action of the management in not paying Cat. IV Wages to Sh. V. Parasuram Reddy, Inayyatulla Kahan Ramulu, Medaraboina Odelu, Thumma Shankar and Madela Papaiah, Conveyor Khalasies, Shantikhani CSP from the date of their promotion to the post of Conveyor Operator in accordance with the Term No. 17 of Arbitration Award of Sh. K. V. Raghunath Reddy dated 25-3-75 is legal and justified? If not to what relief are those 6 workmen entitled to and from what date ?"

The said reference has been registered as I.D. No. 82 of 1994 on the file of this Tribunal.

2. Inspite of receiving the notice issued by this Tribunal, neither the petition-union nor the concerned workmen were present on the first date i.e. 7-12-1994 when the matter was called But the Advocate on behalf of the Respondent was present and offered to file Vakalat. The matter was adjourned from time to time for filing Vakalat of the Respondent and for filing of the claims statement by the Petitioner-Union.

3. On 30-1-1995 the respondent was called absent. Hence the respondent was set exparte. The Advocate appeared and filed Vakalat as well as Claims Statement for the Petitioner-Union. The case was adjourned to 23-2-1995. On 23-2-1995 the respondent appeared and filed I.A. 25/95 to set aside the exparte order passed on 30-1-95. The same was allowed and exparte order was set aside against the respondent. For counter of the Respondent the matter was posted to 14-3-1995. On that day the respondent filed the

counter. Time was extended for enquiry from time to time. On 13-11-1995 the matter was posted as a last chance to 12-12-1995 for enquiry. But on 12-12-1995 the petitioner was not ready for enquiry. Hence this Tribunal posted the matter to 5-1-96 on payment of costs of Rs. 25/- to the respondent by the petitioner. On 5-1-1996 the awarded costs are paid to the respondent. On this day also the petitioner was not ready. Hence the matter was again adjourned to 24-1-1996 on payment of costs of Rs. 50/- to the respondent by the petitioner. On 24-1-1996 when the matter was called, the advocate for the petitioner appeared and reported that he has no instructions from the petitioner-Union Neither the petitioner-Union nor the concerned workmen were present and there was no representation on their behalf. Hence the petitioner-Union was set exparte. Advocate for the respondent was ready and submitted that he is not adducing any evidence as the petitioner remained exparte. Hence there are no triable issues in this case. There is no option for this Tribunal except to close the reference.

4. From the perusal of the docket sheet, it is clear that the petitioner-Union or the concerned workman have not evinced any interest to prosecute the matter. Since the petitioner and the concerned workmen are not interested, I hold that the workmen are not entitled to any relief and the reference is closed.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 24th day of January, 1996.

A. HANUMANTHU, Industrial Tribunal-I

Appendix of Evidence

NIL

नई दिल्ली, 13 मार्च, 1996

का०आ० 1168:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस०सी०सी०एल० के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/3/96 को प्राप्त हुआ था।

[सं० एल०-22012/81/95-आई०आर० (सी०-II)]
ब्रज मोहन, डैस्क अधिकारी

New Delhi, the 13th March, 1996

S.O. 1168.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on the 11-3-96.

[No. L-22012/81/95-IR(C.II)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I, AT HYDERABAD

PRESENT :

Sri A. Hanumanthu, M.A.,LL.B.,

Industrial Tribunal-I.

Dated : 18th day of December, 1995
Industrial Dispute No. 78 of 1995

BETWEEN

The Vice President, S.C.W.U.(AITUC),

Branch Office, Srirampur,

Distt. Adilabad-504303.

..Petitioner.

AND

The General Manager, S.C.Co. Ltd.,

Srirampur Area, Dist. Adilabad-504303. ..Respondent.

APPEARANCES :

None for the Petitioner.

AWARD

This is a reference made by the Government of India, Ministry of Labour, New Delhi by its Order No. L-22012/81/95-IR(C.II), dt. 22-9-95 under Section 10(1)(d) & 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows :

"Whether the action of the management in not protecting the pay of Shri Ramgiri Lingaiah, General Mazdoor, Category-I R.K. New Tech. on reversion from the post of timberman Cat.IV to General Mazdoor Cat.I by granting the equal number of increments which he was drawing prior to his promotion is legal and justified ? If not to what relief the workman is entitled to ?"

The said reference has been registered as I.D. No. 78/95 on the file of this Tribunal.

2. After registering the said I.D., this Tribunal has issued notices to both the parties and the same were acknowledged by them. But the petitioner was called absent on 27-11-1995 and the petitioner was set exparte. Advocate K. Srinivasa Murthy offered to file Vakalat to report on 27-11-1995. Matter was adjourned to 18-12-95 for filing Vakalat and counter. On 18-12-1995 the respondent and its counsel called absent. The respondent was set exparte. As both parties failed to appear in pursuance of the notices issued to them, there are no triable issues in this case. Hence the reference is closed.

Given under my hand and the seal of this Tribunal this the 18th day of December, 1995.

A. HANUMANTHU, Industrial Tribunal-I

नई दिल्ली, 13 मार्च, 1996

का०आ० 1169:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस०सी०सी०एल० के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/3/96 को प्राप्त हुआ था।

[सं० एल-22012/252/93-आई०आर० (सी०-II)]
ब्रज मोहन, डैस्क अधिकारी

New Delhi, the 13th March, 1996

S.O. 1169.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workman, which was received by the Central Government on the 11-3-96.

[No. L-22012/252/93-IRCII]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I, AT HYDERABAD

PRESENT :

Sri A. Hanumanthu, M.A. LL.B.,

Industrial Tribunal-I.

Dated : 4th day of January, 1996
Industrial Dispute No. 10 of 1994

BETWEEN

The General Secretary, Singareni Collieries, Bit Sharpners Association, Kalyanikhani (PO), Dist. Adilabad(AP).

..Petitioner.

AND

The General Manager, M/s. S.C. Co., Ltd., Ramakrishnapur Area, Dist. Adilabad (AP)

..Respondent.

APPEARANCES :

M/s. G. Vidya Sagar, N. Vinesh Raj and G. Ravi Mohan, Advocate for the petitioner.

M/s. K. Srinivasa Murthy and G. Sudha, Advocates for the respondent.

AWARD

This is a reference made by the Government of India, Ministry of Labour, New Delhi by its Order No. L-22012/252/93-IR(C.II) under Section 10(1)(d), & 2A of Industrial Disputes Act, 1947 for adjudication of the Industrial Dispute mentioned in its schedule which reads as follows :

"Whether the action of the management of M/s. S.C.S. Ltd., Ramakrishnapur, in suspending Shri V.B. Chandram Raju, Bit Sharpener, MK-4A Incline, for 10 days from service as legal and justified ? If not to what relief the concerned workman is entitled to ?"

The said reference has been registered as I.D. No. 10/94 on the file of this Tribunal.

2. After receiving the notices issued by this Tribunal the petitioner and the respondent are being represented by their counsel. The matter was adjourned from time to time for filing the claims statement of the petitioner and counter of the respondent. On 2-3-1995 the claims statement has been filed by the petitioner and the counter of the respondent also has been filed on 20-5-1995. The matter was posted from time to time for enquiry. The matter was posted finally to 13-11-95. On that day both sides were not ready. Hence the matter was adjourned to 12-12-1995 as a last chance. Again on that day the petitioner was not ready and the matter was adjourned to 4-1-96 on payment of costs of Rs. 25/- to the respondent by the petitioner. On 4-1-96 the petitioner and his counsel were called absent and there was no representation on their behalf and awarded costs also were not paid by the petitioner. The counsel for the respondent reported ready. The petitioner at whose instance this reference was made, is not taking any interest.

3. From the perusal of the docket sheet, it is clear that the petitioner is not taking any interest to prosecute the matter. Since the workman is not interested to prosecute the matter, I hold that the concerned workman in this dispute is not entitled to any relief. Therefore the reference is closed.

Typed to my dictation, given under my hand and the seal of this Tribunal this the 4th day of January, 1996.

A. HANUMANTHU, Industrial Tribunal-I

Appendix of Evidence :

NIL

नई दिल्ली, 13 मार्च, 1996

का०आ० 1170:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस०सी०सी०एल० के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकरों का बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/3/96 को प्राप्त हुआ था।

[सं० एल०-22012/436/91-आई०आर० (सी०-II)]

ब्रज मोहन, डैस्क अधिकारी

New Delhi, the 13th March, 1996

S.O. 1170.—In pursuance of Section 17 of the Industrial Disputes Act, (1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 11-3-1996.

[No. L-22012/436/91-IR(C-II)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri A. Hanumanthu, M.A., LL.B., Industrial Tribunal-I.

Dated, 16th day of January, 1996
Industrial Dispute No. 5 of 1992

BETWEEN

The Secretary, S.C.M.K.S. (BMS).
P.O. Godavarikhani, Distt.
Karimnagar (AP). . Petitioner.

AND

The General Manager RG(P)
M/s. S.C. Co. Ltd.,
P.O. Godavarikhani, District
Karimnagar (AP). .. Respondent.

APPEARANCES :

Sri K. Vasudeva Reddy, Advocate for the Petitioner.

M/s. K. Srinivasa Murthy and G. Sudha, Advocates for the Respondent.

AWARD

The Government of India Ministry of Labour, New Delhi by its Order No. L-22012/436/91-IR(C.II) dated 4-2-1992 made this reference under Section 10(1)(d) and 2A of the Industrial Disputes Act, 1947 for adjudication of the Industrial Dispute mentioned in its schedule which reads as follows :

"Whether the action of the management of M/s. S. C. Co. Ltd., RG(P) Godavarikhani, in refusing to regularise S/Sri Mohd. Basheeruddin and 3 other General Mazdoors is legal and justified ? If not, to what relief the workmen are entitled to ?"

The said reference has been registered as I.D. No. 5/92 on the file of this Tribunal. After service of notices the petitioner and the respondent-Management are being represented by their counsel.

2. On 29-8-1992 a Claim statement has been filed by the petitioner, and on 15-7-1993 a counter has been filed by the Respondent-Management. On behalf of the petitioner, W.W.1 and W.W.2 are examined and Exs. W1 to W21 are marked. For Respondent's evidence, the matter was adjourned from time to time. On 12-7-1995 both sides represented that negotiations were going on for settlement. Hence the matter was adjourned from time to time for reporting settlement. Today i.e. 16-1-1996 a Joint Memo is filed on behalf of the petitioner and the respondent-Management stating that the settlement has been effected between the parties and that award may be passed in terms of settlement deeds filed along with the joint memo. The parties are present before this Tribunal. There are four workmen under this reference. As seen from the reference, the name of Md. Basheeruddin alone is mentioned stating that three others are also involved.

In the common claim statement filed for the petitioners the names of four workmen i.e. Md. Basheeruddin, P. Ramachander, T. Kanakaiah and M. Venkatesam are mentioned as the workmen involved in this reference. The Management has not disputed this fact. Now two settlement deeds are filed. The Settlement deed dated 12-1-96 relates to workman P. Ramachander and the other Settlement deed dt. 13-12-95 relates to the other three workmen namely Md. Basheeruddin, Thumma Kanakaiah and M. Venkatesam. All the four workmen and Sri K. Karunakar and M. Kumarswamy representatives of the Management and their counsel are present and they have identified the parties. The contents of the settlement deeds are read over and explained to the parties and they admit the same to be correct. Hence the settlements entered into between the parties under the said settlement deeds is accepted. The Joint Memo is recorded.

3. In view of the settlements there is no need to adjudicate upon any issues by this Tribunal as the parties have entered into a settlement in this I.D. and in view of keeping peace and harmony in the Industry and to keep good relationship between the workmen and the Management.

4. In the result, award is passed in terms of settlement deeds dated 13-12-1995 and 12-1-1996 entered into between the parties. The said settlement deeds are appended to this Award, and they form part and parcel of this award.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 16th day of January, 1996.

A. HANUMANTHU, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined for the Petitioner :	Witnesses Examined for the Respondent :
W.W.1—Bhagwan Reddy.	Nil
W.W.2—Thumma Kankaiah.	

Documents marked for the Petitioner :

Ex. W1—Xerox copy of the proceedings dated 12-2-91 regarding promotion to security guards.

Ex. W2—Xerox copy of the conciliation proceedings dt. 19-3-91.

Ex. W3—Letter dated 9-4-91 from the Secretary to the Conciliation Officer.

Ex. W4—Minutes of conciliation.

Ex. W5—Failure Report.

Ex. W6—Xerox copy of appointment order of Mr. K. Damodar Reddy as Floating Badili Filler.

Ex. W7—Xerox copy of the appointment order of Sri Jakkula Shanker as Badili Filler.

Ex. W8—Xerox copy of the office order of promotion 6-12-90 to Sri K. Damodar Reddy and Kakkula Shanker.

Ex. W9—Xerox copy of the appointment order of K. Kanakaiah.

Ex. W10—Xerox copy of the office order dated 23-5-90 promoting Sri K. Kanakaiah.

Ex. W11—Proceedings dated 19-1-93 regarding T. Kanakaiah Watchman S. S.P.C. Department. of his quarter.

Ex. W12—Xerox copy of the proceedings dated 9-6-94.

Ex. W13—Identity card issued to Sri T. Kankaiah.

Ex. W14—Group Photo of security personnel of S. and P. C. Department.

Ex. W15to W21—Work allotment sheets to the workmen of the reference.

Documents marked for the Respondent :

NIL

नई दिल्ली, 13 मार्च, 1996

का०आ० 1171.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस०सी०सी०एल० के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/3/96 को प्राप्त हुआ था।

[सं० एल०-22012/18/95-आई०आर० (सी०-II)]

ब्रज मोहन, डैस्क अधिकारी

New Delhi, the 13th March, 1996

S.O. 1171.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 11-3-1996.

[No. L-22012/18/95-IR(C-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri A. Hanumanthu, M.A., LL.B., Industrial Tribunal-I.

Dated, 4th day of January, 1996
Industrial Dispute No. 93 of 1995

BETWEEN

The General Secretary, Swatantra Boggu Gani Karmik Sangham, Yellandu, Khammam District. .. Petitioner.

AND

The General Manager (pro.) S. C. Co. Ltd., Yellandu, Khammam District. .. Respondent.

APPEARANCES :

None for the Petitioner
None for the Respondent.

AWARD

The Government of India, Ministry of Labour, New Delhi by its Order No. L-22012/(18)/95-IR(C.II), dated 6-11-1995 made this reference under Section 10(1)(d) and 2A of Industrial Disputes Act, 1947 for adjudication of Industrial Dispute mentioned in its schedule which reads as follows :

"Whether the action of the management in not changing the designation of Shri Goglotu Balu, Hauler Operator, Polempalli Mines, S.C.C. Ltd., Yellandu Area is legal and justified ? If not, to what relief the workman is entitled ?"

The said reference has been registered as I.D. No. 93/95 on the file of this Tribunal.

2. After registering the I.D., this Tribunal has issued the notices to the parties concerned. Though the notices were served on both the parties, the petitioner and respondent were called absent and also there was no representations on their behalf, and they were set ex-parte. As both parties failed to appear before this Tribunal on 4-1-1996 in spite of notices served on them, there is no option to this Tribunal except to close the reference as there are no triable issues in this Dispute. Hence the reference is closed.

Typed to my dictation and given under my hand and the seal of this Tribunal, this the 4th day of January, 1996.

A. HANUMANTHU, Industrial Tribunal-I

APPENDIX OF EVIDENCE :

NIL

नई दिल्ली, 14 मार्च, 1996

का०आ० 1172.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गन कैरिज फैक्ट्री के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4/3/96 को प्राप्त हुआ था।

[सख्या एल०-14012/1/89-डी०-2 (बी०)]
के० वी० बी० उन्नी, डैस्क अधिकारी

New Delhi, the 14th March, 1996

S.O. 1172.—In pursunace of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Gun Carriage Factory and their workmen, which was received by the Central Government on 4-3-1996.

[No. L-14012/1/89-D.II (B)]
K. V. B. UNNY, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)

Case Ref. No. CGIT/LC(R)(68)/1990

BETWEEN

Shri Sukhlal S o Badka, 356, Badi Madar Telvi, In front of Masjid, Shankar Chowk, Jabalpur (MP)-482001.

AND

The General Manager, Gun Carriage Factory, Jabalpur (MP)-482001.

PRESIDED IN :

By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Workman—Shri P. C. Chandak, Advocate.

For Management—Shri B. Da'Silva, Advocate.

INDUSTRY : Gun Carriage Factory DISTRICT : Jabalpur (MP)

AWARD

Dated, the 2nd February, 1996

This is a reference made by the Central Government Ministry of Labour, New Delhi, vide its Notification No. L-14012/1/89-D.II (B(dated 21-2-1990, for adjudication of the following industrial dispute :

SCHEDULE

क्या गन कैरिज फैक्टरी जबलपुर के प्रबन्धकों द्वारा श्री सुखलाल आत्मज बडका एक्स रीगर की सेवाएं समाप्त किए जाने की कार्यवाही न्यायोचित है । यदि नहीं, तो संबंधित कर्मकार किस अनुतोष का हकदार है"

836 GI/96—8.

2. Admitted facts of the case are that the workman, Sukhlal, was appointed as a Labour B in Gun Carriage Factory, Jabalpur during the year 1962 and he was promoted on the permanent post of Rigger 'A' Grade. It is also not in dispute that the chargesheet dated 22-11-86 was issued against the workman on the allegation that he entered in the factory and created nuisance in drunken condition. It is also not in dispute that Shri L. C. Choudhary was appointed Enquiry Officer on 3-3-87 and the workman was removed from the service vide order No. 65178/86/VO dated 21-12-1987.

3. The case of the workman is that he intentionally and deliberately made guilty of drunken condition; that the finding of the Enquiry Officer is perverse and the dismissal of the workman is unjustified. It is alleged that the dismissal of the workman is not in consonance with the proved misconduct.

4. The case of the management is that on 30-10-86 at about 11 a.m. workman was on leave and he created the nuisance in drunken condition in the section of the factory; that the workman was medicaly examined and found under the influence of liquor; that the enquiry was conducted against the workman and charge was fully proved. Management has further alleged that the workman was earlier imposed the penalty of similar charge of drunkenness and that his pay was reduced by two stages; that the action of the management in terminating the services of the workman was proportionate to the proved misconduct.

5. Following are the issues framed in the case :—

ISSUES

1. Whether the enquiry is just, proper and legal ?
2. Whether the management is entitled to lead evidence before this Tribunal ?
3. Whether the charges of misconduct are proved on the facts of the case ?
4. Whether the punishment awarded is proper and legal ?
5. Relief and costs ?

6. Issue No. 1 and 2—Domestic Enquiry against the workman was held just, proper and legal vide order dated 27-4-1995.

7. Issue No. 3.—Rama Lingam Pillay has stated that on 30-10-1986 at about 12.30 it was reported that the workman, Sukhlal, was misbehaving and when he went the payment room then he saw that the workman was demanding the payment and he was under the influence of liquor. Rama Lingam Pillay has clearly admitted that the workman was not abusing. The statement of Rama Lingam Pillay is fully corroborated by the statement of eye witness, Ram Gopal and Raghunath Prasad Tiwari. Consequently, the finding of the learned Enquiry Officer that the workman was on 30-10-86 at 11 a.m. creating nuisance in drunken condition is just and proper. Issue No. 3 is answered in favour of the management.

8. Issue No. 4.—No doubt it is fully proved that the workman, Sukhlal, was under the influence of liquor in the office and he was on leave, but the fact is that he was for lawful purpose and he was demanding payment of the salary. From the statement of Rama Lingam Pillay in his answer to question No. 5 and from the cross-examination of Raghunath Prasad, it is clear that the workman was not abusing. The workman has neither abused nor obstructed the work in the office and nor he had indulged in any other act of violence or assault. The workman has misconducted by coming to the office under the influence of the liquor and unauthorisedly demanding the payment of salary on the date on which he was on leave. The Disciplinary Authority has not assigned any reason in terminating the services of the workman for such misconduct. The Enquiry Officer has observed that the workman, Sukhlal, entered into the factory for bonafide purpose of receiving the payment. Learned Enquiry Officer has further observed that the workman, Sukhlal, was not guilty of forcibly entry. It was incumbent on the Disciplinary Authority to assign some reason for awarding the extreme penalty of the termi-

nation of the service of the workman on the simple charge of coming to the office under the influence of drunkenness.

9. It was observed in case of Ramakant Mishra Vs. State of U.P. AIR 1982 SC 1552 that dsmissal of the workman for indecent behaviour and using threatening language to superior is disproportionately excessive. To throw the workman out of service for such a misconduct would be an act of extreme penalty to its workman beside being not condusive to the interest of the industry itself. The doctrine of proportionality envisages that punishment should comensurate with the gravity of misconduct. The Disciplinary Authority has not taken into consideration this fact that the eye witnesses of the incident have categorically admitted that the workman was not abusing anybody and the Enquiry Officer gave some findings in favour of the workman as detained in para 8 of this award the workman was in service since 1962 and he had served the management for a very long period. The termination of the service of the workman for the alleged misconduct was not at all necessary as it is highly disproportionate and will not be conducive for the better report between the management and its workman. The workman needs opportunity to improve himself. The workman and his counsel have rightly agreed during the argument that the workman be reinstated only with compensation of Rs. 15,000 and hat the back wages be denied to the workman.

10. No work, no pay is salutory rule the workman has received more than sufficient punishment being out of service for more than 8 years. Like minded workman should get the warning that go to office under intoxications entails heavy penalty. In the aforesaid circumstances, I am of considered opinion that the workman is entitled of his reinsatement with Rs. 15,000 as back wages.

11. Isue No. 5.—It is hereby held that the action of the management in terminaing the services of the workman was unjust and improper, the workman is entitled for his reinstatement and he be reinstated from the date of publication of the award. The management is directed to pay Rs. 15,000 (Fifteen Thousand) in lieu of back wages to the workman. The workman will not be entitled for the benefit of continuity of his service. The workman or the management will not get the costs incurred in reference.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 14 मार्च, 1996

का०आ० 1173.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेलाइट नार्थ स्टेशन के प्रबंतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11/3/96 को प्राप्त हुआ था।

[संख्या एल०-40012/2/88-डी०-2 (बी०)]

के०वी०बी० उन्नी, डैस्क अधिकारी

New Delhi, the 14th March, 1996

S.O. 1173.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Setelite Earth Station and their workmen, which was received by the Central Government on 11-3-1996.

[No. L-40012/2/88-D.II (B)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PANDU NAGAR KANPUR

Industrial Dispute No. 109 of 1989

In the matter of dispute :

BETWEEN

D.E.T. Setelite Maintenance
Setelite Earth Station
Secunderabad Bulandshahar.

AND

Surajpal Singh
T-15 Atul Grove Road
New Delhi.

AWARD

1. Central Government, Ministry of Labour, vide its Notification No. L-40012/2/88-D.II (B) dated 2nd May, 1989 has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Satellite Earth Station Secunderabad (UP) in stopping Sri Surajpal Singh from the job of Telex Trunk Operator w.e.f. 27-5-86, after having worked on the said post continuously for over 4 years is justified ? If not, to what relief the workman entitled to ?

2. The concerned workman Surajpal in his claim statement has alleged that he was appointed as daily rated Talex and Trunk Operator in March, 1982. He worked there continuously, upto 27-5-86. He was assigned to do manual work. He did this manual work for some time by welding spade and had sustained injury. It is alleged that he could not have been assigned manual work as he was specifically asked to do the work of Telex and Trunk Operator. This action of the management in not providing the work of Telex and Trunk Board Operator is bad.

3. The opposite party management has filed written statement in which it is alleged that reference is bad for want of impediment of Telephone Department. It is denied that the concerned workman was specifically engage as Telex and Trunk Board Operator. In fact he is not qualified for this job. He was a daily rated worker. Work was assigned to him daily according to need of the day. Hence there was nothing wrong when he was assigned to do manual work as well. The concerned workman himself had abondoned by ceasing to come to perform his duty. The concerned workman has filed rejoinder in which nothing fresh has been said.

4. In support of his claim the concerned workman has filed his affidavit and further has filed Ext. W-1 to W-4.

5. The opposite party examined Divisional Engineer Secunderabad, Jai Prakash. Some papers have also been filed but they have not been proved. They are not public documents as such they have not been admitted in evidence.

6. As regards non joinder of necessary party, I am afraid this matter cannot be gone into in the present proceedings, as this Tribunal is required to perform its function strictly under Section 10(4) of I. D. Act. If the management was aggrieved by such reference, it was open to him to have questioned it elsewhere.

7. The second point which need consideration is as to whether the concerned workman was actually appointed as Telex and Trunk Board Operator. The period of employment indeed is not disputed. The concerned workman has filed his affidavit in which he has sworn that he was engaged as Telex and Trunk Board Operator. In his cross-examination he has conceaded that no appointment letter was given t him. Any how this short coming is fully met by Ext. W-2 a certificate dated 21-4-86 given by one N. K. Narang Divisional Engineer Net Work, Secunderabad by which it was certified that the concerned workman has been working as daily rated Telex and Trunk Board Operator from March 1982 till date. Ext. W-1 is an order dated 3-1-82, by which this post was sanctioned. In my opinion, this document supported by oral evidence of the concerned workman leave no room for doubt that the concerned workman was taken as Telex and Trunk Board Operator, as

alleged by him. On the basis of above cogent evidence, I am not inclined to accept the statement of Div. Engineer Jai Prakash that he was not specifically engaged for this purpose. Thus my opinion is hat the concerned workman was appointed as Telex and Trunk Board Operator by the management and he worked continuously till the date of accrual of cause of action.

8. I am not incline to accept the statement of Divisional Engineer Jai Prakash that the concerned workman himself stopped coming to attend his duties as in these days of accute unemployment problem no body would voluntarily stop coming to do his duties and thereby deprive himself of source of livlihood. Obviously it is clear that the concerned workman was engaged as Telex-cum-Trunk Board Operator. The management was not justified in not providing him the same job and instead asking him to do manual work. Clearly it was a case of Unfair Labour Practice.

9. Hence, my award is that the action of the management of Setelite Earth Station Secunderabad UP in stopping Surajpal Singh from the job of Telex Trunk Operator w.e.f. 27-5-1987, after having worked on the said post continuously for over four years is not justified. Consequently, it will be deemed that he had been on this duty from the date of accrual of cause of action and will be entitled for wages likewise.

10. It is made clear that by this award the concerned workman should not be taken to have been permanently absorbed as Telex Trunk Operator. Instead he will be deemed daily rated Telex Trunk Operator. It will be open to the management to regularise him or to deal with him otherwise in accordance with Rules.

11. Workman shall also get Rs. 100 as costs of the case.

12. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 14 मार्च, 1996

का.आ. 1174.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गवर्नमेंट ओपम अलकालोयड वर्क्स के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद मे केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-7-1996 को प्राप्त हुआ था ।

[संख्या एल-42012/39/87-डी. II (बी)]

के. वी. बी. उन्नी, डैस्क अधिकारी

New Delhi, the 13th March, 1996

S.O. 1174.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Govt. opium & Alkaloid Works and their workman, which was received by the Central Government on 6-7-96.

[No. 42012/39/87 D.II(B)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM - LABOUR-COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 74 of 1988

In the mahtter of dispute between :

Shri Kanhiya Singh Yadava,
S/o Sh. Sukhram Singh Yadav
R/o Vill-Atrauli,
P. O. Manrajganj,
Distt. Ghazipur.

AND

The Manager,
Govt. Opium and Alkaloid Works,
Ghazipur.

AWARD :

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-42012/39/87-D.II(B) dated 29th April, 1988, has referred he following dispute for adjudication to this Tribunal —

> Whether the action of the management of Govt. Opium & Alkaloid Works, Ghazipur in terminating Shri Kanhaiya Singh Yadava, Seasonal worker from service with effect from 17-2-96 is legal/justified? If not, to what relief the workman concerned is entitled and from what date?

2. Initially in the reference order 15-4-85, was shown as the dae of termination. Lateron the appropriate Government had amended the same by 17-2-86.

3. The workman's case is that in April 1985, the Union which he was the Secretary put up a charter of demands with the management but the management did not accept the charter of demands, the Union started a peaceful agitation in support of their demands, held Gate Meetings and resorted to relay fast. Some of the other Unions of the Opium Factory were opposed to the agitation launched by the Workman's Union. lowever, on the intervention of hte Disrict Magistrate Ghazipur, a settlement was arrived at between the Union and the management on 30-5-85 and as a result of the settlement, the strike by workers of the union was called off.

4. The workman has assailed the order of his removal from services on a number of grounds. According to him the chargesheet was vague: the E. O. was baised against him; principles of natural justice were not followed by the E. O. during the conduct of the inquiry; he was wrongly refused to avail the services of Sh. K N Rai, an employee of the Opium Factory; withnesses were examined by the management in his absence and he was not allowed to cross examine from and that no show cause notice regarding the proposed punishment was ever issued to him. The workman has, therefore, prayed that manage-

ment's order dt 17-2-86 he set aside and he be reinstated in service with full back wages.

5. In defence the management plead that the strike was illegal. The management deny that there was any settlement between the management and the Union on 30-5-85. The management also deny the fact that the charge ment further deny the fact that the E.O. was biased against the workman or the inquiry was not conducted by the E. O. in accordance with the principle of natural justice. According to the management Sh. K N Rai, being an outsider was not allowed to represent the workman during the inquiry. The other pleas raised by the workman assailing the order of his removal from service have also been denied by the management.

6. In support of its case, the workman has examined himself and in support of their case, the management have examined Sh. Jagdish Singh Yadava, Manager Sales, and have relied upon documents of inquiry filed on 30-3-90.

6. On the pleading of the parties my learned predecessor framed preliminary issue about, the domestic enquiry on 30-7-91 and my learned predecessor came to the conclusion that domestic enquiry was fairly and properly held. He further that held that concerned workman was rightly punished. After the publication of award on 4-9-91, the management carried the matter before C.A.T. Allahabad Bench which was registered as original application No. 72 of 1992. By order dt. 11-2-93, this award was set aside and the case was remanded with the direction to enquiry about the domestic enquiry afresh. Thereafter fresh finding was recorded and domestic enquiry was held to be vitiated being found to be not held properly and fairly. Consequently the management was given an opportunity to prove the charge on merits. Thereafter, various oppurtunities were given to the management to give evidence. Each time the Tribunal was informed by the management that matter of concerned workman regarding his taking back in service with full back wages is under active consideration of the management hence time may be given. Ultimately, the authorised representative of the management informed that on 31-1-96, the management has resold to defer the matter till the time of giving award in this case. The management was debarred from giving oral evidence on 21-11-95. The workman also did not adduce any evidence. In this way the charge against the concerned workman remains unproved for want of evidence.

7. Since the charge has not been proved against the concerned workman the passing of punishment order by way of termination dt. 17-2-86 is also illegal and cannot be justified. Consequently my award is that the termination of the concerned workman by order dt. 17-2-86, is not justified and the concerned workman is held entitled for reinstatement and back wages at the rate at which he was drawing salary for the last time.

Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 14 मार्च, 1996

का.आ. 1175.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पी एण्ड टी के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-96 को प्राप्त हुआ था।

[संख्या एल-40012/21/88-डी-II(बी)]

के. वी. बी. उन्नी, डैस्क अधिकारी

New Delhi, the 14th March, 1996

S.O. 1175.—In pursuance of Section 17 of the Industrial Dispute Act. 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanupr as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of P&T and their workman, which was received by the Central Government on 6-3-1996.

[No. L-40012/21/38-D.II(B)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL - CUM - LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 196 of 1989

In the matter of dispute between :

Sri Suresh Kumar Jaiswal
Sri Suresh Kumar Jaiswal
R/o 92 Misahajpur, Raja Ram Ka Hata
Leader Road Allahabad.

AND

The Assistant Engineer
Telegraph P&T Electrification
Maintenance, Allahabad.

AWARD :

1. Central Government, Ministry of Labour, vide it Notification No. L-40012/21/88-D.II(B) dt. nil has referred the following dispute for adjudication to this Tribunal —

"Whether the action of the management of Asstt. Engineer P&T (Rly Electrification Maintenance) Allahabad in terminating the serices of Shri Suresh Kumar Jaiswal w.e.f. 21-9-85 is justi-

fied? If not, to what relief the workman concerned is entitled to ?

2.The concerned workman Suresh Kumar Jaiswas in his claim statement has alleged that his name was sponsored by employment exchange to the opposite party Post & Telegraph Department for appointment as casual labour. After interview he was selected on 6-11-84 and given appointment on 1-12-84. He continuously worked as such upto 20-9-85. On 21-9-85 he was orally asked not to work. That amounts to retrenchment. During this period he has completed 270 days. As retrenchment was effected without payment of retrenchment compensation and notice pay, the same is illegal. Further provisions of section 25G have also been violated as persons juniors to him has been retained in service.

3. In support of his version the concerned workman has filed selection order dt. 6-11-84.

4. The opposite party has filed reply in which the manner of employment as alleged by the concerned workman was admitted. However it was alleged that this appointment was made in persuance of sanctioned post of casual labour for fixed term dt. 27-7-84. The post was sanctioned upto 30 9 85. It is alleged that the concerned workman himself had abondoned the post by stopping coming to office w.e.f. 21-9-85. However, it was conceded that between 1-12-84 to 21-9-85 the concerned workman had continuously worked for 270 days. It was denied that there was any junior at the time of abondonment of the job by the concerned workman. Lastly, it was alleged by the opposite party that it is not an industry as such reference is bad.

5. In the rejoinder the concerned workman has denied the factual allegations made in the written statement. It was specifically denied that he had abondoned the job.

6. In support of their version the management had filed copy of letter dt. 27-7-84, conveying approval of employment of one casual labour but its duration has not been given. Another paper purports to be the copy of report of Ramesh Kumar, the broher of the concerned workman by which the concerned workman has shown his unwillingness to join the job.

7. In support of his case the concerned workman has filed his affidavit, whereas Sub-Divisional Engr. A. C. Verma has filed his affidavit on behalf of the management.

8. It is admitted to both the parties that the concerned workman had worked from 1-12-84 to 20-9-85 continuously. In this way it becomes common case that the concerned workman had continuously worked for much more than 240 days in a calendar year. As such at the time of retrenchment there was need for compliance of section 25F of I.D. Act.

9. It was submitted on behalf of the opposite party that as the workman himself had abondoned the job there was no question of compliance of above provisions of law. On this point there is specific evidence of Suresh Kumar Jaiswal denying that he never abondoned the jab Instead the concerned workman had shown his unwillingness to do domestic work of the concerned authority, he was stopped from doing work. He has further denied that his brother had ever reported to the authority that the concerned workman was not willing to perform the duties. A C Verma has rebutted this evidence by filing his affidavit. In these days of acuted unemployment problem it is unlikely that the workman would himself abondon the job. In view of these circumstances alone, I accept the version of the concerned workman that he had not abondoned the job. If the concerned workman had not abondoned the job it will be a case of retrenchment. As admittedly his retrenchment has been made without complying with the provisions of sec. 25F of I.D. Act by not paying teatrenchment compensation and notice pay, it is held that his termination is bad in law.

9. Lastly it was contended by the authorised representative for the management that the opposite party Telegraph Department does not fall within the definition of industry as envisages under sec. 2(j) of I.D. Act, hence this reference is bad. In this regard reference has been made to the case of Achaiber Lal versus Union of India, decided by Central Administrative Tribunal, Allahabad, on 11-9-90. Still I am not inclined to accept this contention because in the case of B Lalithakumari versus Divisional Engineer (Cables) 1984 (49) FLR 57, it has been held that Telecom Department is not an industry.

10. In view of foregoing discussions, my award is that the action of the management Assistant Engineer P&T (Rly Electrification Maintenance). Allahabad in terminating the services of Sri Suresh Kumar Jaiswal w.e.f. 21-9-85 is not justified and the concerned workman will be entitled for his reinstatement and back wages from the date of reference as reference has been made after some unexplained delay. Concerned workman shall also get Rs. 100/- as costs of the case from the opposite party.

11. Reference is answered accordingly.

29-2-1996

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 14 मार्च, 1996

का.आ. 1176 —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीग्राफ के प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-96 को प्राप्त हुआ था।

[संख्या एल-40012/69/91-आई आर (डी यू)]
के. वी. बी. उन्नी, डैस्क अधिकारी

New Delhi, the 14th March, 1996

S.O. 1176.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Telegraph and their workman, which was received by the Central Government on 6-3-1996.

[No. L-40012/69/91-IR(DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL - CUM - LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 193 of 1991

In the matter of dispute between :
Kailash Nath Gupta
C/o S C Pandey
2-323-G T B Nagar
Allahabad.

AND

Divisional Engineer Telegraph
Mirzapur.

AWARD :

1. Central Government, Ministry of Labour, vide its Notification No. L-40012/69/I.R.(D.U.) dt. 19-11-91 has referred the following disptue for adjudication to this Tribunal —

"Whether the action of the management of SDO (Telegraph) Mirzapur in terminating the services of Sri Kailash Nath Gupta s/o Sri Gorishanker Gupta, casual labour w.e.f. 31-10-1989 is justified ? If not, what relief he is entitled to and from what date?

2. The concerned workman in his claim statement has alleged that originally he was appointed as casual labour in the opposite party Telegraph Department in the year 1972 and worked for 240 days in that very year as is obvious from certificate dt. 28-4-74. Subsequently he was assigned the work at Mirzapur Sub-Division of the opposite party. Since 1973 to 1983, the concerned workman was given work as and when it was available. However no complete certificate was being issued. During the year 1987 to 89 the concerned workman was given a certificate that in all he had worked for 358 days. Tavakal Tiwari, Sub Inspector of the opposite party who had given this certificate had further asked his colleague to give further details of number of days the concerned workman has done as complete record was not with him. In this way it is alleged that during 1987-89 the concerned workman had actully worked for more han 240 days in each year. Further juniors to him were retained in service. Yet the opposite party has illegally terminated his services w.e.f. 31-12-1989. There has been breach of section 25F and G of I.D. Act and as such termination order is bad in law.

3. Opposite party has filed reply denying all the allegation made in the claim statement except the factum of completion of more than 240 days in the year 1972. Rather that fact has been admitted. It is furher alleged that certificate issued by Ram Tavakal Tiwari is bogus. The concerned workman has worked during this three years for 157 days only. In this way he is not entitled for the requirement of section 25G and H of Industrial Disputes Act, 1947.

4. The concerned workman has filed rejoinder in which nothing fresh has been said.

5. In support of his case, the concerned workman has filed annexure A alongwith the claim statement the certificate dt. 26-11-74 showing that the applicant had worked for 241 days as Mazdoor. Ext. A-2 is eligible whereas Ext. A-3 written by Ram Tavakal Tiwari requesting his counterpart to indicate the number of days the concerned workman has performed his duties as full record is with them. Next there is certificate of Ram Tavakal Tiwari showing that workman has worked for 358 days from Jan. 1987 to Jan. 1989. However, it is not complete record.

6. These documents have been proved by the concerned workman by filing his affidavit dt. 15-3-93. He has further been cross-examined. In cross-examination he has stated that in all all he has working with the opposite party. He has further stated that he had continuously worked during the years 1988 and 1989. In rebuttal there is evidence of SDE Mirzapur Shiv Prasad Gupta who has stated that the concerned workman has not completed 240 days in any calendar year. He was a casual labour and work was given to him as and when there was need. As there

was no work in the department, the concerned workman was removed from service. In his cross examination he has conceded that he has no personal knowledge about the affairs of the workman as he has neither appointed him nor terminated his services. Since 1985 no casual labour has been engaged. The casual labour who had been engaged before 1985 were still working. In the end he has denied the suggestion that concerned workman has completed 240 days in each year for the least three years. No documentary evidence has been filed.

7. In my opinion from the above, it is established that the concerned workman in the year 1974 had worked for more than 240 days. Moreover, that will not be relevant as it has not been satisfactorily explained as to what transpired from 1973 to 1987.

8. Now the case regarding rendering of continuous service between 1987-89 will be taken up. The concerned workman has categorically stated that he had continuously worked during this period. The certificate of Ram Tavakal Tiwari lend support to his case wherein he has certified on the basis of recor di nhis possession that the concerned workman has worked for 358 days and has further requested to the concerned authorities to give particulars of number of days by seeing his own record. It goes to show that the concerned workman had worked for more than 358 days the record of which was not available wih Ram Tavakal Tiwari. The opposite party has tried to riggle out from this certificate of Ram Tavakal Tiwari by alleging that it is bogus and not based on record. In my opinion, more averment is not sufficient. Some body ought to have been produce before this tribunal to show certificate of Ram Tavakal Tiwari was bogus. In its absence the evidentiary value of this certificate remains intact.

9. Apart from this I am of the opinion that the case of the concerned workman has not been property rebutted as the evidece of S. P. Gupta Sub Divisional Engineer is not based on his personal knowledge. Further the management opposite party ought to have filed all Mustor Roll papers of the concerned workman to prove the number of days the concerned workman has worked. In the absence of those papers, I have no hesitation in accepting the evidence of concerned workman. It is accordingly held that the concerned workman had continuously from 1987 till the date of his termination of his services. As such he had completed for more than 240 days in a calendar year. Hence, he was entitled for benefit of section 25F of I.D. Act. Admittedly its compliance has not been made, hence on this score the termination of the services of the concerned workman is held to be bad in law.

10. There is no reliable proof that the principle of Last Come First Go has been violated. In this way I come to the conclusion that there is no breach of section 25G of I.D. Act.

11. Lastly, it was contended that the opposite party Telegraph Deparment does not fall within the category of industry as envisaged u|s 2((j) of I.D. Act. Hence this reference is bad. In this regard reference has been made to the case of Achiaber Lal Versus Union of India decided by Central Administrative Tribunal, Allahabad, on 11-9-90. Still I am not inclined to accept this contention because in the case of B. Lalithakumari Versus Divisional Engineer (Cables) 1984 (49) FLR 57, it has been held that Telecom Department is an Industry.

12. In the end the termination of concerned workman having been found to be illegal and unjustified, my award is that the concerned workman shall be taken in services with all back wages. Concerned workman shall also get Rs. 100|- as costs of the case.

13. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 15 मार्च, 1996

का.आ. 1177.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-3-96 को प्राप्त हुआ था।

[संख्या एल/40912/261/91-आई आर (डीयू 2)]
के. वी. बी. उन्नी, डैस्क अधिकारी

New Delhi, the 15th March, 1996

S.O. 1177.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribual Madras as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Telephone and their workman, which was received by the Central Government on 13-3-96.

[No. L-40012|261|91-IR(DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL
TAMIL NADU MADRAS

Wednesday, the 7th day of February, 1996

PRESENT :

Thiru N. Subramanian, B.A.B.L,
Industrial Tribunal

Industrial Dispute No. 18|1993

(In the matter of the dispute for adjudication under Section 10(1) (d) of the Industrial Dis-

putes Act, 1947 between the Workman and the Management of Madras Telephones, Madras).

BETWEEN

Shri K. Mani,
15,Palaniamman Koil,
3rd Street, Madras-600 005.

AND

The Chief General Manager,
Madras Telephones,
17,Purasawalkam High Road,
Madras-600 007.

REFERENCE :

Order No. L-40012|261|91-IR(DU), dated 20-1-93, Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on for final hearing on Tuesday, the 30th day of January, 1996 upon perusing the reference, Claim and Counter statements and all other material papers on record and upon hearing the arguments of Tvl. D. Hariparantaman, and V. Adhivarahan, Advocates appearing for the Workman and of Thiru S. Seshadri, Central Government Pleader appearing for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following.

AWARD

The Government of India, by its Order No. L-40012|261|91-IR(DU), dated 20-1-93, referred to this Tribunal, for adjudication under Section 10(1) (d) of the I.D. Act, regarding the dispute:

"Whether the action of Madras Telephones in terminating the services of Shri K. Mani, Casual labourer is justified ? If not, what relief he is entitled to ?"

2. The case of the petitioner as per the Claim statement is as follows:

The petitioner was sponsored by the Employment exchange and he was recruited as Casual mazdoor from 13-5-85. He was daily rated and monthly paid for the days worked. His major work was attending faultt in the telephone lines. He was not even given weekly rest. He was employed in any project. The identity card are not work was of permanent nature. He was not employed in any projectt. The identity card are nott given to workmen engaged not through Employment exchange. The petitioner was given employment in January 1987 subsequently for 5 days and 15 days in the month of February 1987 as Project Casual Labourer. Department to avoid regularisation of the petitioner, unjustly terminated the service of the petitioner. The allegation that the petitioner was terminated as per the instructions of te Department of Telecommunications to stop casual labour engaged after 30-3-85 will not apply to the petitioner. Department have failed to follow the mandatory requirements of Sec. 25-F of the I.D. Act. The department before termination of the petitioner failed to seek permission for retrenchment. Hence this dispute has been raised.

3. The respondent filed his counter contending that the petitioner was engaged for a specific project as casual labourer on temporary basis. He was stopped from service on 1-9-86 after giving one month notice for want of work. Petitioner was engaged during January 1987 for 5 days and 17 days in Februnary 1987 and subsequently he was stopped. The petitioner filed an application u|s. 2-A of the I.D. Act, before the Regional Labour Commissioner (Central). The Conciliation proceedings failed. The petitioner had worked for 483 days from 23-5-85 to February 1987. Since the petitoner was engaged for specific project work purely on temporary basis and employment given during January 1987 and February 1987 were recorded in the work card, petitioner was stopped for want of work and due to the instructions of department of Telecommunication to stop casual workers engaged after 30-3-85. One month notice was issued and so there is no illegality. Hence the dispute may be dismissed with cost.

4. Exs. W-1 to W-6 were marked through WW1. MW1 was examined.

5. The Point for consideration is : Whether the fication of Madras Telephones in terminating the services of Shri K. Mani, Casual labourer is justified ? If not, what relief he is entitled to ?"

6. The Point : Admittedly, the petitioner was employed as a Casual labourer through employment exchange on 13-5-85. He was employed continuously till he was terminated on 1-9-85. The petitioner has worked for more than 240 days in 12 calendar months continuously prior to the date of his termination. Ex. W-6 is the Consolidation failure report submitted by the Labour Commissioner. He has extracted the days worked by the petitioer in his report. Even as per the Statement filed by the Management, the petitioner has worked 232 days from January to August, 1986. From September 1985 to December 1985, the petitioner has worked for 121 days. So, on the whole, the petitioner has worked for more than 353 days in a year continuously prior to his termination. So, before terminating any worker or dis pensing his service u|s. 25-F of the I.D. Act one month notice must be given are one monthsalary in lieu of notice must be given or one month salary on here of notice must be given and also the compensation as provided under the Act. Even though it is stated by the respondent in the Counter one month notice was given, the notice copy is not filed before this Court. Even in the failure report of the Labour Commissioner, it is mentioned that notice was not filed before him. So. before terminating the services of the petitioner Sec. 25-F of the I.D. Act, was not followed. Further it is contended by

the respondent, the petitioner was employed as a Casual labourer for specific project work of laying telephone cables. So, he was terminated from service since the project was over. But it is contended by the petitioner's counsel, the petitioner was not employed for any specific project, he was employed for cable maintenance work, though he was recorded as Casual labour. MW1 has admitted in his evidence, in his appointment order, there is no mention that he was appointed for cable laying work of a specific project. He was also given an identity card Ex. W-1. It is argued by the petitioner's counsel for casual workers employed for a specific project work, no identity card will be issued. Only for workers engaged in a employment of permanent nature, identity card will be issued. Further it is contended by the respondent's counsel, that as per the official memorandum dated 24-5-85, of the Department of Telecommunications. Casual workers recruited before the issue of these instructions may be considered for regular appointment to Group 'D' positions in terms of the General instructions, even if they were recruited otherwise than through the Employment Exchange provided they are eligible for regular appointment in all other aspects. So, as per the memorandum Casual labourers, who were appointed prior to 24-6-85 has to be regularised. This petitioner was appointed on 13-5-85 prior to the issue of the Memorandum So, he is entitled to the benefits of the Memorandum dated 24-5-85. Even as per the Office order of the Management dated 10-7-85, under Clause 'C' if casual labourers has been recruited after 30-5-85, action may be taken to dispense with the services after observing all necessary formalities, which is notice period, compensation etc. Clause (D) says, notice should be issued to such of those casual labourers immediately mentioning that their services will be terminated at the end of one month notice. These formalities were not followed by the department in terminating the services of the petitioner. It is argued by the petitioner's counsel, this petitioner and other Casual labourer who was appointed alongwith the petitioner and terminated by the Department, filed an O.A. 887/89 before the Central Administrative Tribunal. The Central Administrative Tribunal observed that casual labourers has to be made permanent and their termination order is illegal after considering the Official Memorandum dated 10-7-85. So, in the present case also the respondent did not follow the mandatory provision of Sec. 25-F of the I.D Act, and also the procedures laid down in the Official Memorandum before terminating the services of the petitioner. Therefore, the termination is illegal.

In the result, an award is passed setting aside the termination of the petitioner. Respondent is directed to reinstate the petitioner with continuity of service without backwages. No costs.

Dated, this the 7th day of February, 1996.

Thiru N. Subramanian Industrial Tribunal

WITNESSES EXAMINED

For Workman : WW1 : Thiru K. Mani.

For Management :

M.W-1 : Thiru K. Balamadhavan.

DOCUMENTS MARKED

For Workmen :

Ex.W-1 : Identity card of workman Thiru K. Mani (Xerox copy).

W-2/17-9-86 : Letter from the Management to the District Employment Officer (North), Madras-20 (Xerox copy).

W-3/7-4-88 : Service Certificate of the Workman (Xerox copy).

W-4/21-2-91 : Dispute raised by the workman before the Regional Labour Commissioner (Central), Madras (Xerox copy).

W-5-28-6-91 : Counter filed by the Management before the Conciliation Officer (Xerox copy).

W-6/29-11-91 : Conciliation Failure Report (Xerox copy).

For Management : Nil

नई दिल्ली, 15 मार्च, 1996

का.आ. 1178.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हैवी व्हिकल्स फैक्ट्री के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-3-96 को प्राप्त हुआ था।

[संख्या एल-14012/10/93-आई आर(डी यू)]

के. वी. बी. उन्नी, डैस्क अधिकारी

New Delhi, the 15th March, 1996

S.O. 1178.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Heavy Vehicle Factory and their workman, which was received by the Central Government on 13-3-1996.

[No. L-14012/10/93-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL TAMIL NADU, MADRAS

Friday, the 19th day of January, 1996

PRESENT :

Thiru N. Subramanian, B.A.B.L.,
Industrial Tribunal.

Industrial Dispute No. 83|93

(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workman and the Management of Heavy Vehicle Factory, Madras).

BETWEEN

Shri K. Muniraj,

No. 13, Balaraman Street,

Kannapathipuram,

Tambaram (East) Madras-59.

AND

The General Manager,

Heavy Vehicles Factory,

Avadi,

Madras.

REFERENCE :

Order No. L-14012|10|93-IR(DU), dated 19-8-93. Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on this day, the 4th day of January, 1986 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the workman in person and Thiru TK Rajeswaran, Advocate appearing for the Management and this dispute havig stood over till this day for consideration, this tribunal made the following.

AWARD

Government of India, by its Letter No. L-14012|93-IR(DU), dt. 19-8-93, referred u|s 10(1)(d) of the I.D. Act, 1947 for adjudication before this tribunal, regarding the dispute :

"Whether the action of the Management of Heavy Vehicle Factory, Madras in terminating the services of Sri Muniraj, is justified ? If not, what relief he is entitled to ,"

2. After services of notice, both the petitioner and the respondent filed their claim statement and counter statement respectively.

3. The case of the petitioner as per the claim statement is as follows :

The petitioner entered into service as Mason, on 1-11-63. During the material time, he was working as Mason Highly Skilled Grade-I. He was issued a charge sheet dated 21-8-84 to the effect that he was wilfully negligent in his duties, and that he has failed to show devotion to duty, he was not present in his work spot and failed to perfrom the duties allotted to him on various dates between 5-4-84 to 20-7-84. The documents relied upon by the prosecution to prove the charges, in no way prove the absenc of the petitioner during the said days. The prosecution ought to have proved that petitioner deliberately refused to comply with the reasonable orders passed by his superiors. The prosecution witnesses were wrongly expecting the petitioner to prove that the was present in his work spot and performing his duties. The findings of the Enquiry Officer that the worker has not even tried to establish the fact that he has worked on he timings|days mentioned goes to show the misconception. The Enquiry Officer has failed to understand the basic principle of law that the prosecution should prove the case against the delinquent. Enquiry Officer has based his findings on Prosecution. He has not come to the specific conclusion as to on which date he was missing from the work spot, on which days he was not doing the work. The Enquiry Officer has referred to a certain wage cut for not doing allotted work on 28-5-1984, but this period is not covered by the charge sheet. The charges have been framed after a consideable delay. The chargesheet has been isued by the person without completence. The petitioner was issued with the findings of the Enquiry Officer and given an opportunity to submit his explanation against the findigs only after the direction of the Central Administrative Tribunal. Thereafter receiving the explanation of the petitioer, the punishing authority has without application of his mind passed the order of punishment. Hence the dispute has been raised to set aside the order of dismissal and reinstatement him in service with full back wages and other benefits.

4. The respondent filed his counter contending that based on the report given by the section, a charge sheet under Rule 14 of the C.C.S. (Rules) 1965 was issued to the petitioner From the documentary reports and the evidence of the prosecution witnesses, it was clearly proved that the petitioner was gullty of the charges framed. The petitioner was not able to produce any witness or evidence to show that he has worked on all days mentioned in the charge sheet. The Enquiry Officer has conducted enquiry as per the procedure following the principles of natural justice. The delay is issuing the charge sheet had taken place due to administrative reasons. The petitioner was given all the monetary benefits entitled as per rules. The petitioner filed original application before the Central Administrative Tribunal, Madras in O. A. No. 574|89 and the Tribunal by its Order dated 3-8-89 has set aside the order of compulsory retirement on the observation that the applicant was not given sufficient opportunity to submit his explanation. Respondents were given liberty to proceed against the applicant in accordance with law. So, the petitioner was reinstated in service w.e.f. 23-5-86. Thereafter he was provided an

opportunity to make his submission. The representation of the petitioner dated 3-5-90 was considered and after applying his mind has passed an order imposing the penalty of compulsory retirement w.e.f. 30-6-90. Hence the dispute may be dismissed with cost.

5. Exhibits M-1 to M.5 marked through MW1. The petitioner was examined as WW1.

6. The point for consideration is : Whether the action of the Management of Heavy Vehicles Factory, Madras in terminating th services of Shri Muniraj, is justified ? If not, what relief he is entitled to ?

7. The Point : Admittedly petitioner was employed as Mason in the respondent-factory. While he was in service, he was issued charge sheet Ex. M.1 to the effect that the petitioner was wilfully neglect in his duties and failed to show devotion to his duty. He was not present in his work spot and failed to perform his duties allotted to him on various dates from 5-4-84 to 20-7-84. After receipt of the explanaton, a domestic enquiry was conducted. Ex. M2 is the enquiry report. On the findings of the enquiry report compulsory retirement order was passed. Aggrieved by the order of the Disciplinary authority, petitioner preferred an original application before the Central Administrative Tribunal. The Central Administrative Tribunal passed an order Ex. M.3 on 3-8-84 setting aside the order of the compulstory retirement stating that no opportunity was given after the findings of the Enquiry Officer to submit his explaation regarding the punishment. Respondent was given liberty to proceed with the equiry after complying with the directions. The compulsory retirement order was set aside. Subsequently, the petitioner was reinstated in service w.e.f. 23-5-86. Therefater a second show cause notice was given to offer his explanation regarding prposed punishment. It is also submitted by the petitoner he received the notice and submitted his explanation. After considering the explanation submitted by the petitioner, final order was passed on 30-6-90, imposing the same punishment of compulsory retirement Even though it is contended by the petitioner that the domestic enquiry was not conducted in fair and proper manner and he was not given full opportunity, These points were raised before the Central Administrative tribunal and the tribunal has given a finding that the enquiry was conducted in a fair and proper manner except the fact that the second show cause notice was not given before imposing the punishment. So, he cannot raise the same points before this Tribunal. It is also contended by the respondent's counsel that once the petitioner had adopted th course before he Central Administrative Tribunal. he cannot raise the dispute before this tribunal. It is open to the petitioner either to approach the Central Administrative Tribunal or Industrial Tribunal. But when once the petitioner poted to go before the Central Administrative Tribunal, after he disposal by the Central Administrative Tribunal, he cannot come again before this Tribunal by raising a dispute ndependently. In this aspect also, the petitioner is not entitled to get any relief. So, it is proved beyond doubt by documentary and oral evidence by the Management that the charges levelled against him are proved.

8. Regarding punishment, it is contended by him that it is disproportionate to the charges levelled against him. The petitioner has completed age of 58. So, now there is no question of reinstatement after attaining the age of superannuation apart from that it is not one or two occasions the petitioner was absent in his work spot and failed to carry out his work. For more than 15 occasions from 5-4-84 to 28-7-84 , the petitioner was absent from the work spot and failed to carry out the work no substantial explanation was given by the petitioner for his absence on those days. Further the punishment imposed is only of compulsory retirement and not dismissal or termination. So, the petitioner is entitled to all the benefits of the retirement. Considering the graviy of the misconduct committed by the petitioner, the punishment imposed is proper and just.

In the result, an award is passed dismissing the claim of the petitioner. No costs.

Dated, this the 19th day of January, 1996.

THIRU N. SUBRAMANIAM, Industrial Tribunal

WITNESSES EXAMINED

For Workman :

W.W.1 : Thiru J. Muniraj.

For Management :

W.W.1 : Thiru T.S. Vijayakumar.

DOCUMENTS MARKED

For Workman : Nil.

For Management :

Ex. M.1 : Proceedings of the Enquiry Officer (Xerox copy).

M-2 : Findings of the Enquiry Officer (Xerox copy).

M-3|3-8-89 : Order of Central Administrative Tribunal in O.A. No. 574|67 (Xerox copy).

M-4|10-1-90 : Order of suspension issued to the workman Thiru J. Muniraj (Xerox copy).

M-5|30-6-90 : Order of the General Manager, Heavy Vehicle Factory, Avadi issued to Thiru J. Muniraj imposing the the punishment of compulsory retirement (Xerox copy).

नई दिल्ली, 15 मार्च, 1996

का.आ. 1179.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-96 को प्राप्त हुआ था ।

[संख्या एल-40012/77/89-डी II(बी)]
के. वी. बी. उन्नी, डैस्क अधिकारी

New Delhi, the 15th March, 1996

S.O. 1179.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government, hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Post and their workman, which was received by the Central Government on 11-3-96

No. L-40012/77/89-D.II(B)
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PANDU NAGAR KANPUR

Industrial Dispute No. 60 of 1990

In the matter of dispute :

BETWEEN

Yashpal Singh Pawar,
S|o. Sri Inder Singh Pawar,
Pratit Nagar Ramvala,
Dehradun.

AND

Pravar Adhikshak,
Dakghar,
Prakhand Dehradun.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-40012/77/89-D-2(B) dt. 31-1-1990 has referred the following dispute for adjudication to this Tribunal—

> Kya Pravar Adhikshak Dakghar Dehradun Prakhand dwara Sri Yashpal Singh Pawar putra Sri Inder Pal Singh Anshkalik Chowkidar Ramvala ki dinank 14-11-86 se sewae samapt karna nyayochit hai ? Yadi nahi to karmkar kis anutosh ka adhikari hai ?

2. The concerned workman Yashpal Singh Pawar in his claim statement has alleged that he was engaged as a part time wachman with the opposite party post office from July 1983 and he worked there continuously upto 14-11-1986 when his services were terminated and new hand Harpal Singh Pawar by name was engaged. There has been violation of section 25F and 25G of Industrial Disputes Act.

3. The opposite party post office has filed reply in which it has been alleged that the concerned workman was not engaged from July 1983. Further he did not work on any sanctioned post. Instead he was engaged according to need. In other words he did not continuously worked. As he was was a temporary worker, there was no need for compliance of any procitions of Industrial Disputes Act, 1947.

4. In support of his claim, the concerned workman Yashpal Singh Pawar had filed his affidavit. Further he has filed a certificate annexure I alongwith affidavit to prove that he has worked from July 1983 to 14-11-86. Annexure II a certificate to show that the concerned workman was relieved on 14-11-86. Annexure III is a reply of post office showing their inability to engage the concerned workman. In rebuttal the opposite party has filed the affidavit of their Dy. Superintendent Nand Kishore on 17-9-93 Further they had filed 23 papers. However this witness was not submitted for cross examination inspite of further opportunity. Ultimately the evidence of the management was closed on 3-1-86. In the last few hearing no one turned on behalf of Post Office.

5. The first point for consideration is as to whether the concerned workman was engaged as a part time worker with the opposite party. Indeed in the written statement this point has not been disputed. Still from the affidavit of the concerned workman coupled with annexure I attached with the affidavit, it is fully established that the concerned workman was engaged as Part time watchman. In the case of Yashwant Singh Yadav versus State of Rajasthan 1990 LLR, 1996, it has been ruled that even a part time employee comes within the category of workman as envisaged under section 2(s) of Industrial Disputes Act, 1947. In view of above authority th econcerned workman will be deemed to be a workman as defined in sec. 2(s) of I.D. Act.

6. There is annexure I a certificate dt. 14-11-86 The concerned workman had made a request for issuance of a certificate about the number of days he has worked. There upon it was certified that the concerned workman had worked from July 1983 to 14-11-86. This certificate coupled with the unrebutted evidence of Yashpal Pawar it is fully established that the concerned workman had aworked for more than 240 days in every calendar year. As such he was entitled for the benefit of section 25F of I.D. Act. Admittedly has not been paid any notice pay and retrenchment compensation consequently his termination is had in law.

7. In my opinion there cannot be said brench of sec. 25G of I.D. Act if a new hand is engaged.

8. In the end my award is that because of breach of section 25F I.D. Act, the action of the opposite party in terminating the services of concerned workman is bad in law. As such he is entitled to be reinstated with full back wages.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 15 मार्च, 1996

का.आ. 1180.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकाम के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोटा के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-96 को प्राप्त हुआ था ।

[संख्या एल-40012/4/92-आई आर (डी यू)]
के. वी. बी. उन्नी, डैस्क अधिकारी

New Delhi, the 15th March, 1996

S.O. 1180.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Kota as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Telecom and their workman, which was received by the Central Government on 11-3-96.

[No. L-40012|4|92-IR(DU)]
K. V. B. UNNY, Desk Officer

अनुबन्ध

न्यायधीश, औद्योगिक न्यायाधिकरण (केन्द्रीय)
कोटा / राज.

निर्देश प्रकरण क्रमांकः औ. न्या. (केन्द्रीय)-1/93
दिनांक स्थापित 1-1-93

प्रसंगः—भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश क्रमांक एल. 40012/4/92 आई आर (डी. यू.) दिनांक 28-12-92
औद्योगिक विवाद अधिनियम, 1947

मध्य

रामस्वरूप पुत्र श्री देवकरण —प्रार्थी श्रमिक

एवं

डिविजनल इंजीनियर टेलीकाम रेलवे इलैक्ट्रिफिकेशन
बी-1/10 शोपिंग सैन्टर जनकपुरी, नई दिल्ली
—प्रतिपक्षी नियोजक

उपस्थित

श्री आर.के. चाचान, आर.एच. जै. एस.

प्रार्थी श्रमिक की ओर से प्रतिनिधि : श्री डी. आर. द्विवेदी
प्रतिपक्षी नियोजक की ओर से : श्री सी. बी. सोरल
प्रतिनिधि

अधिनिर्णय दिनांक 15-1-96

अधिनिर्णय

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा निम्न-निर्देश औद्योगिक विवाद अधिनियम, 1947 की धारा 10(1) (घ) व उपधारा (2-अ) के अन्तर्गत इस न्यायाधिकरण को प्रतिनिर्णयार्थ सम्प्रेषित किया गया है :—

"Whether the action of Telecom Deptt. R.E., in terminating the services of Shri Ram Swaroop, S|o Dev Karan, labour at their Sub-Division at Kota w.e.f. 1-6-87 is justified ? If not, what relief he is entitled to ?"

2. निर्देश न्यायाधिकरण में प्राप्त होने पर इसे रजिस्टर्ड किया गया व पक्षकारों को सूचना जारी की गयी तदुपरान्त दोनों पक्षों ने अपने-अपने अभ्यावेदन प्रस्तुत किये।

3. आज पत्रावली में दोनों पक्षों के प्रतिनिधिगण उपस्थित हुए। साक्ष्य प्रार्थी हेतु नियत थी परन्तु उसकी ओर से कोई साक्ष्य उपस्थित नहीं करायी गयी और न ही कोई पर्याप्त कारण इस बाबत बताया गया, अतः प्रार्थी पक्ष की साक्ष्य बन्द की जाती है। प्रतिपक्षी की ओर से भी कोई साक्ष्य प्रस्तुत नहीं कर अपनी साक्ष्य समाप्त की गयी। बहस सुनी गयी व पत्रावली का अवलोकन किया गया जिससे स्पष्ट प्रकट होता है कि प्रार्थी पक्ष की ओर से अपने केस समर्थन में कोई साक्ष्य उपस्थित नहीं है जिससे कि उसके कथन की पुष्टि हो सके, अतः साक्ष्य के अभाव में प्रार्थी कोई राहत प्राप्त करने का अधिकारी नहीं है और भारत सरकार श्रम मंत्रालय, नई दिल्ली द्वारा सम्प्रेषित निर्देश को इसी प्रकार उत्तरित किया जाता है।

इस अधिनिर्णय को समुचित सरकार को नियमानुसार प्रकाशनार्थ भिजवाया जाये।

आर०के० चाचान, न्यायधीश

नई दिल्ली, 18 मार्च, 1996

का०आ० 1181:- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल इन्स्टिट्यूट आफ विरोलोजी के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, पुणे के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-3-96 को प्राप्त हुआ था।

[संख्या एल०-42012/189/93-आई०आर० (डी०यू०)]
के०वी०बी० उन्नी, डैस्क अधिकारी

New Delhi, the 18th March, 1996

S.O. 1181.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Pune as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of National Institute of Virology and their workman, which was received by the Central Government on 14-3-1996.

[No. L-42012|189|93-IR(DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI S. C. HIRURKAR,

INDUSTRIAL TRIBUNAL, PUNE

Reference (IT) No. 17 of 1994

BETWEEN

National Institute of Virology, Pune

..First Party

AND

Shri Ajay Hargovind Sorte ..Second Party

IN THE MATTER OF :

A Reference U|s 10(1)(d)(2A) of the Industrial Disputes Act, 1947

APPEARANCES :

Shri Kokare—For the First Party.

Shri R. R. Pund—For the Second Party.

AWARD

This is a reference referred to this Court for adjudication by the Government of India vide letter No. 42012|189|93-IR(DU), dated 6-5-1994, under the power conferred by Section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947, for adjudication of the dispute between the National Institute of Virology—Party No. 1 and Shri Ajay Hargovind Sorte—Party No. 2, so as to decide :

"Whether the action of the management of National Institute of Virology, Pune in removing Shri Ajay H. Sorte, Accounts Clerk|Saleman, KIV Co-operative Canteen, Pune from service vide Order No. 11|2|90|ADMN|1162, dated 31-7-91 is justified ? If not, what relief the workman concerned is entitled to ?"

As per the Schedule of the Reference.

2. After the receipt of the said Reference, the notices were issued to the parties. Party No. 2, the workman has filed Statement of Claim whereas the Party No. 1 has filed its Written Statement. On the basis of the Statement of Claim and Written Statement, the facts of the case are as under :—

The Second Party workman was appointed on the post of Canteen Clerk-cum-Saleman in the Canteen run by the First Party. The registration of the said Canteen was under process and the said Canteen was run under Central Government Departmental Canteen Rules. Considering the registration was in process with the Director of Canteen Department of Personnel and Training, New Delhi, hence Departmental Canteen Rules were applicable in case of the Second Party workman. The Second Party workman joined the services of the First Party on 23-12-1985 and he was drawing monthly salary Rs. 1600 p.m. During the service tenure, there being some mis-appropriation on the part of the Second Party workman, he was issued a charge-sheet dated 16-7-1991, alleging certain acts of misconluct. It was alleged that the second party workman had mis-appropriated the canteen funds of Rs. 5,457.55, during the year 1989-90 and the amounts of 5,961.55 were recovered from him, in February 1991. It was also alleged that he had further mis-appropriated the amount of Rs. 1235.45, during the year 1990-91. It was further alleged that the Second Party had wilfully and intentionally taken undue advantage of his position and committed gross negligence of duty, in handling canteen funds. He has not maintained the Books of Accounts and do not proceed the Sales Accounts in the Bank. Preliminary enquiry was made against the second party workman and as the Second Party workman admitted misconduct on his part, during the preliminary enquiry, further enquiry was dropped and on the basis of the enquiry made against the second party workman, he was removed from the service.

3. It is the contention made by the Second Party workman that the removal of the Second Party workman is prima-facie illegal and unjustified. It is against the Rules and Service Conditions of the First Party. Hence the Second Party workman has prayed that the First Party be directed to allow the Second Party to report on duty, by way of reinstatement with full back-wages, by declaring that the order of removal was passed by the First Party, is unjustified.

4. It is the case of the First Party employer that the Second Party workman has violated the Service Rules. He has not miantained the canteen accounts properly. He had mis-appropriated the amount of the First Party, in the year 1989-90 and 1990-91. The Canteen Committee had gone through the canteen records maintained by the Second Party and it was confirmed that the Second Party had mis-appropriated the canteen funds. The Canteen Committee had accordingly submitted its report dated 11-2-1991, to the Chairman of the Canteen and Director N.I.V. regarding misappropriation of canteen funds by the Second Party. In the report, it was stated that the charges against Party No. 2 workman were proved. The First Party nominated a Committee of three Senior Officers to make an enquiry of the misconduct of Second Party. During the enquiry, the Second Party had admitted that he had misappropriated the canteen funds and used the same for his personal use i.e. his mother's illness etc., The Enquiry Committee had submitted its report on 18-2-91 to the Chairman of the Canteen and Director N.I.V. On the basis of which the First

Party issued Memo. dated 27-2-1991, to the Second Party and called-for his written explanation. The Second Party submitted his written explanation on 6-3-1991. In the written explanation, the Second Party workman had admitted the lapses alleged against him that he has mis-appropriated the amounts for treatment of his mother. Therefore, a charge-sheet was issued by the First Party on 16-7-1991. In reply to the said memo. the Second Party workman had submitted explanation on 26-7-1991, in which he had referred to an admission already given by him, in the letter dated 6-3-1991 and therefore, on the basis of the said admission, the First Party removed the Second Party workman from the canteen services vide order dated 31-7-1991. It is submitted by the First Party that the enquiry was already conducted by the Enquiry Committee, consisting of three officers of the First Party and the Second Party had admitted the misappropriation of canteen funds before the Enquiry Committee, hence the further enquiry was not made. It is submitted by the First Party that as per Rule 20(4) of the Swamy's Compilation on Central Government Departmental Canteen Rules, the charges which are not admitted, shall only be enquired into by the Disciplinary Authority. Since the charges levelled against the Second Party vide charge-sheet Memo. dated 16-7-1991 were already admitted by the Second Party orally before the Enquiry Committee as well as in writing as per his letter dated 6-3-1991 and 26-7-1991. Hence question of holding further enquiry does not arise. Hence the Second Party workman, on the basis of enquiry proceedings before the Enquiry Committee, was removed from service for various acts of misconduct and misbehaviour on his part and there was no alternative for the First Party than to remove the Second Party workman from canteen services. Therefore, it is the contention of the First Party that the order of removal of the Second Party, is just, legal, proper and justified and it is in accordance with the rules of the First Party.

5. On the basis of this pleadings, my predecesson has framed the following issues :—

(1) Whether the acts of misconducts alleged against the Second Party by the First Party vide charge-sheet dated 16-7-91, have been proved to the satisfaction of Court ?

(2) Whether the order of removal dated 31-7-1991 passed against the Second Party by the First Party is justified ?

(3) Whether the Second Party is entitled to any relief ?

(4) What Award ?

6. My findings are in the negative for the Issue Nos. 1 and 2 and in the affirmative for the Issue No. 3 and as per final Award for Issue No. 4, for the reasons mentioned below :

REASONS

7. Admittedly, in the present case, no enquiry had been initiated by Party No. 1. It is also an admitted position that the Party No. 2 workman was removed from service, on the basis of report admitted by the Enquiry Committee, in which it was mentioned that the Second Party workman has admitted the charge of misappropriation. The letter written by the Party No. 2 on 26-7-1991, is filed on record by the Party No. 1 which is the so-called admission of the Party No. 2 regarding misappropriation. But in the Court, the Party No. 2 has refused to admit the said letter. I have gone through the said letter. On perusal of the said letter, it is seen that the said letter was typed by the Party No. 1 and it was signed by the Party No. 2. It is the defence of the Party No. 2 workman that the said letter was signed under pressure. It is also pertinent to note that the amount of misappropriation was recovered from the salary of the Party No. 2. The Party No. 1 as well as the Party No 2 have examined the witnesses before the Court. When it is an admitted position that no enquiry was conducted by the Party No. 1 then it is an obligatory duty of the Party No. 1 to prove the charge of misconduct in the Court. Hence so as to prove the said charge, the Party No. 1 has examined two witnesses, one Shri S. M. Gorbhe, the Section Officer of the Party No. 1 and another Shri R. Visagambi, the Administrative Officer of the First Party. But neither these witnesses were present at the time of enquiry nor they were the witnesses in the enquiry. Both these witnesses have stated the Seiond Party workman had admitted the charge of mis-appropriation. The Enquiry Committee had prepared the report. On the basis of the said report, the Party No. 2 workman was removed from service. After going through the evidence of these witnesses, nothing could be placed on record to prove the charge of misappropriation against the Party No. 2. After going through the evidence of these witnesses, it is clear that these two witnesses are not the witnesses upon whose testimony the charges levelled against the Second Party workman can be sustained. It is clear from the cross-examination of Shri Garbe that he was not on the Canteen Committee and he was not having a personal knowledge about the accounts of Canteen. Shri Garbe has stated in his cross-examination that there are no bye-laws of the Canteen whereas the copy of the bye-laws is produced on record, which shows that Shri Garbe has no knowledge about the facts. It is an admitted position that there was a post of Manager, Secretary and Treasurer. Therefore it was the duty of the Party No. 1 to fix the responsibility of misappropriation amongst the Secretary, Treasurer and the Party No. 2 workman. But instead of doing so, the First Party has made the Second Party workman as a scape-goat. The Second Party workman has produced a document on record, which shows that the Secretary and Treasurer have also admitted the quilt on 22-2-1991.

From the copy of Bye-Laws produced on record, the duties of Secretary and Treasurer clearly show that the responsibility of cash-handling and accounting, was that of Treasurer. As such no responsibility can be fixed on the Second Party only. It is argued by the learned Counselor the Party No. 2 workman that Shri Garbhe, the witnes Party No. 1 has admitted that Canteen Committee has not passed any resolution to get the Central Govt. Canteen Rules applied to Canteen. Hence the said rules were not applicable to the Second Party workman, on the basis of which he was removed.

8. The learned Counsel for the Second Party workman has further referred to the evidence of second witness of Party No. 1 Shri Ambi. In the cross-examination of the said witness, it was made clear that the said witness was not aware of the fact that the charge-sheet was issued to the Second Party workman. The said witness has admitted in the cross-examination that enquiry was conducted orally but enquiry proceedings were not filed on record in the Court. It is also clear from the evidence of Shri Ambi that he is not the witness to the incident. Therefore, it is clear that the First Party has not been-able to prove any of the alleged misconduct of the Party No. 2 workman.

9. The Second Party workman has stepped into the witness-box. In his evidence, the said witness has clearly and unambiguously narrated the fact. In his evidence, Party No. 2 has stated that Shri B. R. Patil and Shri G. D. Joshi were the actual persons responsible for cash and administration of the canteen. These witnesses were not examined by the Party No. 1. Admittedly the Party No. 1 has solely relied on the admission given by the Party No. 2 before the Enquiry Committee while making the preliminary enquiry. In the Court also, the Party No. 1 has not examined the witnesses to prove the charges mentioned in the charge-sheet. From the record, it is clear that it may be possible that the Second Party workman should have signed the letter, by which he has admitted the charge of misappropriation under some influence or pressure. This possibility could not be overruled. From the evidence on record, it is clear that the First Party cannot deny the responsibility of Secretary and Treasurer in the present matter. The only possible conclusion in this matter could be drawn that so as to save the said Secretary and Treasurer, the First Party has made the Second Party workman as a scape-goat.

10. The First Party has heavily relied on the Central Government Department Canteen Rules. Under the provisions of which the Second Party workman was removed from service. The learned Counsel for the Second Party workman while referring the said rules argued that the First Party cannot terminate the services of the Second Party by Rule No. 18(VI) of Central Government Department Canteen Rules because the said canteen is not registered with the Director of Canteen, New Delhi, I have gone through the evidence on record and Bye-Laws produced on record. It is clear that the said Rules are not registered with the Director of Canteen, New Delhi. When it is stated by the witness that the canteen was governed by the Departmental Canteen Rules framed by the Central Government and the Canteen Committee has not passed any resolution to apply these rules, then it is obviously clear that unless those rules are registered and resolution is passed, no action could be taken against the Party No. 2, on the basis of those rules. Hence the action taken by the First Party in removing the Second Party workman, is illegal and void ab-initio. After going through the close scrutiny of the documents filed on record and the evidence adduced by the parties, it is clear that the action on the part of the First Party in removing the Second Party workman—Shri Sorate from service, is not justified. So also the punishment of removal is not legal and proper. Hence I answer the Issue Nos. 1 and 2 in the negative.

11. When the Issue Nos. 1 and 2 are replied in the negative, then obviously the Second Party workman becomes entitled for the relief of reinstatement. After going through the evidence on record of this Court, there is nothing on record to hold that Second Party workman was gainfully employed anywhere after his removal. It was tried to bring on record that after the removal, the Party No. 2 workman was employed in the canteen by the contractor for some period; but in the evidence, nothing could be shown that as to how much amount was paid to the said workman. Therefore, I am constrained to hold that the Party No. 2 workman was not gainfully employed during the period of unemployment. Hence obviously the Second Party workman is entitled for back-wages also. From the appointment letter and the memorandum filed on record, it is clear that the Party No. 2 workman was in the regular service of the Party No. 1 after completing the probation period satisfactorily as a Canteen Clerk-cum-Office Salesman. Hence the said workman is to be reinstated to the said post. Therefore, I pass the following Award.

AWARD

(i) It is declared that the action of the management of National Institute of Virology, Pune, in removing Shri A. H. Sorate, Accounts Clerk-Salesman. NIV Co-operative Canteen, Pune from service vide Order No. 11|2|90|ADMN|3162, dated 31-7-1991, is not justified. Hence the First Party Institute is directed to reinstate the Second Party workman—Shri A. H. Sorate to his usual position with continuity of service.

(ii) The First Party Institute is further directed to pay full back-wages to the said workman from the date of termination till the date of reinstatement.

(iii) No order as to costs.

(iv) Award accordingly.

Pune
Date : 18-1-1996.

Sd./-
For Secretary,
Industrial Tribunal, Pune.

S. S. HIRURKAR, Industrial Tribunal

नई दिल्ली, 18 मार्च, 1996

का०आ० 1182:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-3-96 को प्राप्त हुआ था।

[संख्या एल-41011/34/92आई०आर०बी०]
के. वी. बी. उन्नी, डैस्क अधिकारी

New Delhi, the 18th March, 1996

S.O. 1182.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of N. Rly. and their workman, which was received by the Central Government on the 13-4-96.

[No. L-41011|34|92-IRB1]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT PANDU NAGAR KANPUR

Industrial Dispute No. 81 of 1993

In the matter of dispute between

Sri K. N. Soni,
President, Railway Employees
Union 118|78, Kaushalpuri,
Kanpur.

AND

The Divisional Railway Manager,
Northern Railway Allahabad Division,
D. R. M. Office Allahabad.

Exparte Award :

1. Central Government, Ministry of Labour, vide its notification No. L-41011|34|92-IR(DU) dated 30-9-93, has referred the following dispute for adjudication to this Tribunal —

Whether the action of the DRM Northern Railway Allahabad in not regularising Sri R. N. Sharma, H. C. Gupta, Ganga Prasad, D. P. Singh, Ram Pal, Jangwali Singh and S. A. Hussain in Class III Scale from the date of their working as Class III employees legal and justified ? If not, to what relief the concerned work man are entitled to ?

2. The concerned workmen, (1) R. N. Sharma, (2) H. C. Gupta, (3) Ganga Prasad, (4) D. P. Singh, (5) Ram Pal (6) Jangwali Singh and (7) S. A. Hussain, in their claim statement has alleged that they have been working as Khalasi with the opposite party Northern Rly Allahabad Division from one date to other in the month of May 1974. The details of their respective appointments have been given in the claim statement. It is further alleged that although they have been recruitted Khalasi, the work of class III staff was being taken from each of them from the very inception. It has also been added that the concerned workmen has also passed I.T.I. examination. As such they are entitled for regularisation but the opposite party did not paid any head.

3. The opposite party has failed to put in appearance inspite of sufficient service, as a result of which case has proceeded exparte against him.

4. In support of their claim statement the concerned workmen have examined one of them as R. N. Sharma. Further Ext. W.1 to Ext.25 documents have been filed. This unrebutted evidence coupled with above mentioned documents fully proves their case.

5. Consequently my award is that the concerned workmen have been doing regularly the work of Class III Cadre. As such they are entitled for regularisation within one month from the date of publication of this Award.

6. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 19 मार्च, 1996

का०आ० 1183:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ०सी०आई० के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-3-96 को प्राप्त हुआ था।

[सं० एल०-22012/119/एफ/92 आई०आर० (सी-II)]
राजालाल, डैस्क अधिकारी

New Delhi, the 19th March, 1996

S.O. 1183.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Madras as shown in the Annexure in the industrial dispute between the employers in relaion to the management of F.C.I. and their workmen, which was received by the Central Government on the 13-3-1996.

[No. L-22012|119|F|92-IR(C-II)]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Thursday, the 8th day of February, 1996

PRESENT :

Thiru N. Subramanian, B.A.B.L.,
Industrial Tribunal.

Industrial Dispute No. 78 of 1992

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Food Corporation of India, Madras).

BETWEEN

Shri E. Devadoss,
No. 33, Ekambaram,
Canalpuram,
Madras-21.

AND

The Joint Manager,
Food Corporation of India,
Chennai House, No. 7,
Esplanade,
Madras-600108.

REFERENCE :

Order No. L-22012|119|F|92-IR(C-II), dated 8-9-92, Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Monday, the 29th day of January, 1996 upon perusing the reference, Claim and Counter statements and all other material papers on record and upon hearing the arguments of Thiru S. Sathiamurthy, Advocates appearing for the Workman and of Thiru T. V. B. Karthikeyan, Advocate appearing for the Management, and this dispute having stood over till this day, for consideration, this Tribunal made the following :

AWARD

Government of India, by its Order No. L-22012|119|7|92-IR(C. II), dated 8-9-92, referred for adjudication before this Tribunal under Section 10(1)(d) of the Act, regarding the dispute :

"Whether the action of the Management of Food Corporation of India, in terminating the service of Shri E. Devadoss w.e.f. 15-3-87 is justified ? If not, to what relief he is entitled to ?"

2. After services of notices, both the petitioner and the respondent filed their Claim statement as well as Counter Statement.

3. The case of the petitioner is as follows : The petitioner was employed as Mazdoor from 1987 and he has put in 10 years of service. His legs and hands became inactive during 1987 and so, he was not able to attend the duty from 15-3-87. Due to the paralytical attack, his mental health was also affected. Therefore, he was not in a position to intimate the sickness to the department in time. After prolonged treatment, he recovered from the mental depression and set a letter to the respondent on 11-5-89 informing his sickness alongwith medical certificate. The respondent passed an order dt. 6-6-88 terminating the services of the petitioner with restrospective effect from 15-3-87. The petitioner sent a letter to the respondent on 14-12-89 explaining his family circumstances and requested to take back the petitioner to service. The respondent has rejected the request of the petitioner. The petitioner sent a lawyer notice on 26-3-90. No opportunity was given to the petitioner to explain the reasons for his absence. To the knowledge of the petitioner no memo was sent by the respondent asking for explanation. It is the duty of the respondent to have conducted an enquiry before terminating the services of the petitioner. No enquiry was conducted. It is a clear violation of principles of natural justice. The termination amounts to retrenchment. The procedure for retrenchment was also not followed. Therefore, this dispute has been raised.

4. The respondent filed his counter contending that it is true the petitioner was working as a Mazdoor from 23-2-78 till 15-3-87. Petitioner absented himself from 15-3-87 without any intimation to the respondent. The respondent has no alternative except to send a memo for explanation. The same was returned as the petitioner was not available at the given address. Therefore, in accordance with Rule 19(4) of the Standing Orders, Petitioner's services were terminated w.e.f. 15-3-87. The reason alleged by the petitioner for not intimating his sickness for more than 2 years is not at all convincing and acceptable one. The letter of the petitioner dated 14-12-89 received after a lapse of 2½ years was rejected. Therefore, petitioner was dismissed for his misconduct of absenting from duty without intimating either due to sickness or due to some other reason will amount to grave misconduct. The claim of the petitioner is not only time barred, but also the action of the respondent is justified. The termination of the petitioner is valid and it will not amount to retrenchment. Hence the claim of the petitioner may be dismissed with cost.

5. By consent Exs. W-1 to W-9 were marked. M. 1 was also marked with consent.

6. The Point for consideration is : Whether the action of the Food Corporation of India, in terminating the services of Shri E. Devadoss, w.e.f. 15-3-87 is justified ? If not to what relief he is entitled to ?"

7. The Point : The petitioner was employed as Mazdoor in the respondent Establishment from 23-2-78. It is also not disputed that the petitioner absented for duty without prior intimation or permission from 15-3-87 onward. According to the respondent as per Rule 19(4) of the Standing Order "Any workmen who absents himself for more than 15 days consecutively without leave or who remains absent for 15 consecutive days beyond the period of leave originally granted or subsequently extended, shall be deemed to have left the services without notice and his name will be removed from the list without further notice to him." Since the petitioner was absent from 15-3-87 without leave or any intimation, a memo was given to the petitioner to explain the reason for his absence. But the memo was returned with a postal endorsement 'addressee not found'. Eventhough it is contended by the respondent that a memo was sent to the petitioner, the date of the memo was not mentioned in the Counter or the returned cover was not produced before this Tribunal. Admittedly, this petitioner sent a letter to the respondent on 14-12-89, Ex. W-4 informing that he was not well. His legs and hands lost its function and he was taking treatment. This letter has been sent by the petitioner only on receipt of the termination order from the respondent. For Ex. W-4, the Management sent a reply Ex. W-5 that his request cannot be acceded and he is informed to settle the gratuity and other accounts under Ex. W-5. The petitioner has produced original medical Certificate Ex. W-2 and Medical Fitness Certificate Ex. W-3. W-2 is dated 9-5-89 and W-3 is dated 11-5-89. But there is no evidence that these documents were sent to the respondent. According to the petitioner because of the peculiar circumstances under which he was placed, on account of the sickness he could not inform the same to the Management in time. But the respondent contended since the petitioner was absent without any leave or permission for long period as per Clause 19(4) of the Standing Order his name was removed from the list of the employees. It is argued by the respondent's counsel. the petitioner was removed from service without any enquiry or not even giving a show cause notice to explain reason for his absence and so, the order of termination is against the principles of natural justice. Eventhough in the Standing Order, there is a Rule, in case of absence beyond the prescribed period, the workers name will be removed from the list, an opportunity must have been given to the worker to explain his absence and formal enquiry has to be conducted. Otherwise, the order of termination is not valid. For that he relied on a decision reported in 1993, 3 Supreme Court Cases, P 259. Supreme Court after considering all the Cases laws in this aspect, has rejected the contention that after the expiry of the minimum period of leave or absence. the worker's lien is automatically terminated. The Supreme Court has further held in a case reported in 1982 1 Supreme Court Cases, P 645 'Right of the employer given under the Standing Order gets affected by statutory operation. Further it has held that "striking off the name from the rolls for unauthorised absence from duty amounted to termination of service and absence from duty for 8 consecutive days amounts to misconduct and termination of service on such grounds without complying with minimum principles of natural justice would not be justified. The Cardinal point has to be borne in mind, in every case, is whether the person concerned should have a reasonable opportunity of presenting his case and the authority should act fairly, justly, reasonably, and impartially. It is not so much to act judicially, but is to act fairly, namely, the procedure adopted must be just, fair and reasonable in the particular circumstances of the case. In other words, application of the principles of natural justice that no man should be condemned unheard intends to prevent the authority from acting arbitrarilly affecting the rights of the concerned person. It is a fundamental rule of law that no decision should be taken which will affect the right of any person without first being informed of the case and giving him an opportunity of putting forward his case. An order involving civil consequences must be made consistently with the rules of natural justice. Civil consequences covers infraction of not merely property or personal right but of civil liberties, material deprivations, and non-pecuniary damages. The person concerned must be informed of the case, the evidence in support thereof, supplied and must be given a fair opportunity to meet the case before an adverse decision is taken. It is well settled that the right to life enshrined under Article 21 would include the right to livelihood. The order of termination of service of an employee visit with civil consequences of jeoparadising not only his livelihood but also career and livelihood of dependents. Therefore, before taking any action putting an end to the tenure of an employee fairplay requires that a reasonable opportunity to put forth his case is given and domestic enquiry conducted complying with the principles of natural justice." In the present case, even though it is alleged by the respondent a memo was sent calling for explanation for his absence, no document was produced for the issue of memo. Even for argument sake it is taken that a memo was sent and returned as alleged unserved, Management ought to have chosen other modes of service, like publication in the paper, or affixing the notice in the residence of the worker. If the memo was made known to the worker by any means and the worker remains without sending any explanation, even then formal domestic enquiry ought to have been conducted to prove the misconduct. In the present case, there is no evidence on the side of the Management that the memo was sent to the petitioner calling for explanation or any domestic enquiry was conducted even in his absence. Without being heard, worker's service was terminated.

As per the decision cited above, this procedure of terminating service relying on the rules of the Standing Order is against the principles of natural justice and the termination has to be set aside. Therefore, the termination order is not justified.

In the result, an award is passed setting aside the order of termination of the petitioner. Respondent Management is directed to reinstate the petitioner in service with continuity of service and full backwages. No costs.

Dated, this the 8th day of February, 1996.

THIRU N. SUBRAMANIAN, Industrial Tribunal

WITNESSES EXAMINED

For both sides : None.

DOCUMENTS MARKED

For Workman :

Ex. W-1| : Original Harbour entry permit issued to the workman.

Ex. W-2|9-5-89 : Medical Certificate issued to the workman.

Ex. W-3|11-5-89 : Medical Certificate issued to the workman.

Ex. W-4|14-2-89 : Letter from the workman to the Management (copy).

Ex. W-5|18-1-90 : Letter from the Management rejecting the claim of the workman.

Ex. W-6|26-3-90 : Lawyer's notice to the Management with acknowledgement card.

Ex. W-7|27-9-90 : Dispute raised by the workman before the Regional Labour Commissioner Madras.

Ex. W-8|4-7-91 : Counter filed by the Management before the Regional Labour Commissioner, Madras (copy).

Ex. W-9|12-8-91 : Rejoinder filed by the workman before the Regional Labour Commissioner, Madras (copy).

For Management :

Ex. M-1| : Standing Orders of the Management (Printed book).

I. T.

नई दिल्ली, 20 मार्च, 1996

का.आ. 1184—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नवेली लिगनाईट कारपोरेशन लि. के प्रबंधतंत्र के संबद्ध, नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-3-96 को प्राप्त हुआ था।

[संख्या एल-29012/9/76-डी 3(बी)/डी(4)बी]

बी.एम. डेविड, डैस्क अधिकारी

New Delhi, the 20th March, 1996

S.O. 1184.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Neyveli Lignite Corporation Ltd. and their workmen, which was received by the Central Government on the 14-3-1996.

[No. L-29012|9|76-D.III(B)|D.IV(B)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Friday, the 9th day of February, 1996

PRESENT :

THIRU N. SUBRAMANIAN, B.A.B.L., INDUSTRIAL TRIBUNAL.

INDUSTRIAL DISPUTE NO. 37 OF 1990

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Neyveli Lignite Corporation Ltd., Neyveli).

BETWEEN

Sri N. Dorairajan,
Lalbahadur Sastri Second Street,
Sikkandarpuram, Mandi Nagar,
Madurai-625 020.

AND

The Chief Personnel Manager,
Neyveli Lignite Corporation Ltd.,
Neyveli-607 801.

REFERENCE :

Order No. L-29012(9)|76-D.III.B|D.IV.B, dated 10-5-1990, Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Tuesday, the 9th day of January, 1996 upon perusing the reference, Claim and Counter statements and all other material papers on record and upon hearing the arguments of Thiru R. Arumugam, for Tvl. Aiyar & Dolia, Advocates appearing for the Workman and of Thiru U. N. Rao for Tvl. K. R. Tamilmani, K. Paramaraj, and K. Makesh, Advocates appearing for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following :

AWARD

Government of India, by its Order No. 29012/9/76-D.III.B/D.IV.B dated 10-5-1990, referred for adjudication before this Tribunal u/s. 10(1)(d) of the I.D. Act, 1947 regarding the dispute :

"Whether the action of the Management of Neyveli Lignite Corporation in dismissing Sri N. Dorairajan, Foreman Grade-I, (Electrical) from service, is justified ? If not, to what relief the workmen concerned is entitled ?"

2. After services of notices, both the petitioner and the respondent filed their respective claim statement and counter statement.

3. The case of the petitioner as per the Claim statement is as follows :

The petitioner was working as skilled workman in the Electrical (Mines Zone) in the respondent-corporation. He was designated as Foreman Grade-I (Electrical). Even though his designation was that of Foreman he was treated as workman by the respondent. The petitioner was doing only electrical maintenance work in the Mines Zone. Industral employment Standing Orders had been made applicable to the petitioner. The petitioner was not discharging any administrative or managerial or supervisory duties. The petitioner received a memo from the office dated 23-12-1974 stating that he was absent from the place of work during working hours without permission and any act or omission punishable under law that on 13-2-1974 the petitioner absented himself from the place of work without proper permission and tried to escape through the fencing in an unauthorised manner and with malafide intentions. Further, when he was questioned by the officials, who apprehended him near the fence, he gave false informttion about his name and place of work. The Disciplinary Authority called upon him to show cause for the misconduct. Domestice enquiry was conducted. By Memo dated 19-3-1975, disciplinary action against him was dropped. But, the respondent -management did not allow the matter to rest there. 91 days thereafter, the Officer concerned made ready 2 or 3 witnesses. The very same disciplinary authority on the same set of charges purported to review the charges further proceded to hold departmental enquiry on 16-7-1975. The petitioner wrote a letter on 30-6-1975 stating that there was no legal or justifiable cause or ground for holding another enquiry. Inspite of the protest, a second enquiry was conducted. 3 witnesses were examined to support the case of the prosecution. The second enquiry was held to victimise the petitioner. There is no provision under the statutory orders of the Management for secand enquiry. The true facts are that about the time when it is alleged he was absent from the workspot on 13-2-1974 he was at the workspot. None of his officers or immediate supervisors visited workspot and found him absent. They found some other individual escaping through the fence and taking identity card of the petitioner. They allowed them to escape. They failed to get report from the person who was actually found escaping. Sometime before 13-2-1974, the petitioner lost his identity card. He has given report about the loss of the card. Identity card seized from the person was found to be the petitioner's identity card. Therefore, the officers concerned implicated the petitioner with charges. As against provisional conclusion reached by the Enquiry Officer, he submitted his explanation on 31-10-1975. Without considering any material facts of his case, the disciplinary authority dismissed him from service. The appeal preferred by the petitioner was also dismissed on 19-3-1976. Against that he preferred an appeal to the Chairman of the Corporation. That was also dismissed on 19-4-1976. When disciplinary authority dropped the charges contained in the charge sheet, dated 23-2-1974, it is not open to the respondent to initiate another enquiry on the same charges. There is no power or authority either in the Standing Order or in the rules of the Corporation to conduct a second enquiry on the very same charges. The respondent, in order to victimise the petitioner arranged for the witnesses subsequently and conducted the second enquiry. The respondent with a malafide intention issued a charge memo dated 31-3-1973 making false allegations. The petitioner submitted his explanation on 12-11-1973. Thereafter the respondent did not take any action. In view of the fact the earlier disciplinary action was dropped, respondent has keen in pursuing charge memo dated 31-10-1973. Nearly after 2 years, the respondent conducted enquiry. Enquiry Officer relied on the report alleged to have been given by

the Priniipal, Jipmet Hospital, Pondicherry. No legal evidence was let in on the side of the Management to prove the charges. No opportunity was given to cross examine the witnesses. Thus, the principles of natural justices was completely violated. The Enquiry Officer perversely came to a conclusion that the petitioner behaved indecently. In order to victimise the petitioner, the respondent issued a Show Cause notice proposing the punishment. The petitioner gave his explanation. The respondent imposed punishment of stoppage of 2 increments for a period of 2 years with cumulative effect, with a view to show that his past record was not unblemished. Even assuming without admitting that the charges are proved, the punishment of dismissal is very much disproportionate to the charges alleged to have been proved against him. Hence this Court may be pleased to pass an award setting aside the order of dismissal and directing the respondent to reinstate the petitioner with continuity of service with full back wages and other attendant benefits.

4. The respondent filed his counter contending that the petitioner was not a workman as defined under Sec.2(S) of the I.D. Act, to seek any remedy from this Tribunal. The petitioner was working as Foreman Grade-I in the Mines. His job was to supervise the electrical work done by the team of workmen attached to him under his control. At the time of his termination, he was drawing a salary of Rs. 714.50. Since he was employed in a supervisory category drawing salary exceeding Rs. 500 per month, he cannot be termed as workman of the I.D. Act. On 13-2-74, during the surprise inspection by a special squad, petitioner was found absented himself from the place of work during the working hours without prior permission and tried to escape through fencing in an unauthorised manner. Further, when he was questioned, he gave false information about his name and work. When he was asked to produce any out pass, he could not produce. However, by physical search of the petitioner identity card was recovered from his possession. Later, enquiry with the officials concerned confirmed that it was the petitioner who unauthorisedly absented from the spot and was trying to escape through the fencing. Thereupon, a charge memo dated 23-2-1974, was issued. Since the petitioner denied the charges, an enquiry was conducted. The Enquiry Officer on a flimsy technical ground, held that petitioer was not at fault. This finding was accepted by the Disciplinary Authority and exonerated the petitioner from the charges levelled against him. When the matter was brought to the notice of Appellate Authority, he reviewed the entire issue and set aside the earlier proceedings and directed the respondent to conduct an enquiry denovo. Accordingly denovo enquiry was conducted. Petitioner was given all reasonable opportunities. On behalf of the petitioner he was permitted to engage the service of a defendant Assistant of one Sri Kalivaradharajan. 3 witnesses on behalf of the Management was examined. The Enquiry Officer after analysing evidence held that the charges levelled against the petitioner were proved. After due consideration of the Enquiry report, it was provisionally concluded that he has to be dismissed from service. A Provisional show cause notice was issued to the petitioner. After obtaining a written explanation he was dismissed from service on 16-2-1976. Further, appeals preferred by the petitioner were also dismissed by the concerned authorities. It is true that his services were governed by the Certified Standing Orders of the respondent. The allegation contained in Para 11 and 12 are irrelevant for the purpose of this case. The nature and gravity of the misconduct committed by the petitioner was so serious and therefore, the punishment of dismissal is quite proportionate and deserving. Hence the claim of the petitioner may be dismissed with cost.

5. By consent, Exs.W-1 to W-3 and M.1 to M.19 were marked. M.20 was marked through MW1.

6. The Point for consideration is : Whether the action of the Management of Neyveli Lignite Corporation in dismissing Sri N. Dorarajan, Foreman, Grade-I (Electrical) from service is justified ? If not, to what relief the workman concerned is entitled ?"

7. The Point : Respondent's Counsel at the outset raised a point that this reference is not maintainable as the petitioner was not a workman as defined u|s 2(S) of the I.D. Act. The petitioner was working as Foreman Grade-I (Electrical) in the Mines. Foreman means supervising work of other workman. Further, he was getting a monthly salary of Rs. 714.50 Therefore, he is not a workman as defined u|s. 2(S) of the I.D. Act. On the other hand it is contended by the petitioner's counsel, though the petitioner was designated as Foreman Grade I (Electrical) in Mines, he was doing no supevisory work. But, actually he was doing Electrical Maintenance in the Mines Zones. The petitioner examined himself as WW1 and spoke about the nature of work he was doing. Even though it is contended by the respondent, the petitioner was doing supervisory work with a team of persons working under him, there is no evidence to that effect. Even the Management witness examined as MW1, did not speak

that so many of workers were working under him and he was supervising their work in the Zone. Therefore, it is argued by the petitioner's counsel, the mere nomenclature of the post is immaterial and nature of work done by the worker has to be taken into consideration to determine whether he is a workman or not. In the present case, there is no evidence on the side of the Management to say that petitioner was not doing electrical mines work but supervisory work. The petitioner's counsel relied on a decision reported in 1961 I LLJP 18. The Supreme Court has held in that case "In deciding the status of an employee the designation of the employee is not decisive. What determines the status is a consideration of the nature and duties of the functions assigned to the employes concerned. In another decision reported in 1969 II LLJ P 670, it has been held that 'the principle which should be followed in deciding the question whether a person is employed in Supervisory category or clerical work is that if a person is mainly doing Supervisory work but incidentally or for a fraction of time do some clerical work, it would have to be held that he is employed in Supervisory capacity and conversely if the main work done is of clerical nature, the mere fact that some supervisory duties are also carried out incidentally or as a small fraction of the work done by him will not convert his employment as a clerk into one of supervisory capacity." In a decision reported in 1980 II LLJ P 16, our High Court has held that "There must be actual evidence as to the nature of the duties done by the petitioner and also he was having any control over the others or that he was himself sanc- under him. Further, he should have direct control over the others or that he was himself sanitioning leave to the other working under him. In the absence of these powers, even though the worker was designated as a Foreman, he is only a workman as defined u|s 2(a) of the I.D. Act." In the present case, except the fact that the petitioner was designated as a Foreman Grade-I (Electrical), there is no actual evidence what was the nature of work he was doing, what was his supervisory powers, in respect of others. As per the decision cited above, merely if a worker is designated as a supervisor or a Foreman, this will not give him the status as such. The status of the worker should be decided only on the nature of work he was doing. In the present case, it is the positive evidence of WW1, that he was doing only maintenance work and not Supervisory work as alleged. Nobody was working under him and he has no power either to take disciplinarv action or leave sanctioning power to other, so, he is only a workman as contemplated u|s 2—S of the I.D. Ac.

8. It is also further contended by the petitioner's counsel even as per the definition of the Standing Order of the Corporation, the petitioner was only a Workman. The Standing Order of the Corporation is marked as Ex. W-3. Clause 10 of the Standing Order defines workman, "Workman means any workman as defined in Section 2(i) of the Act and employed by the Company in any Industrial establishment i.e. other than personnel employed in a managerial or administrative capacity such as (Junior) Officers and above who perform functions mainly of a managerial and administrative nature, supervision being only incidental to their duties and other than personnel empolyed in a supervisory capacity but drawing a wage of Rs. 500 p.m. or more." It is contended by the petitioner's counsel personnel employed in supervisory category but drawing a wage of Rs. 500 p.m. or more is not a workman from the definition of the workman. In the present case, the salary of the petitioner was Rs. 473 as on 1-1-74. Ex. W-2 is the proceedings of the Corporation revising the scale of pay of the petitioner. Therefore, even taking for argument sake, the petitioner was doing supervisory work, his monthly wage was below Rs. 500. So, even as per the Standing Orders of the Corporation, the petitioner is a workman. Further it is contended in the counter of the respondent, the petitioner is governed by the Standing Orders of the respondent-corporation. Standing Orders are applicable only to workers and not to other officials. Therefore, he is only a workman. Further it is contended by the petitioner's counsel, respondent is estopped from denying status of the petitioner as workman as per the decision reported in 1996 I LLJ. p. 67. If an employer continuously and consistently proposes to take action against its employee on that footing that he is covered by the Modal Standing Orders (thereby implying that the employee is a "workman" within the Meaning of the Act) then such employer must be estopped from denying the said fact when a dispute regarding the dismissal of the employee finally lands up before an industrial adjudicator". In the present case rightly or wrong ly, disciplinary proceedings were taken against him under the Standing Orders, treating the petitioner as a workman. Therefore, the respondent in now estopped as per the decision cited above, from denying the status of the petitioner from that of the workman. So, for the above said reasons, the petitioner was a Workman as contemplated u|s. 2—S of the I.D. Act.

9. The alleged misconduct against the petitioner is that on 13-2-74 the petitioner was absented from the work spot and attempted to escape unauthorisedly through the fence and gave false information when questioned by the officials, regarding his name and place of work. For the above misconduct charge memo was given on 23-2-74 Ex. M.1. The said charge memo was given based on the report of the Deputy Security Officer dated 18-2-74. Ex. M.5. Even though the occurrence is said to have taken place on 13-2-74, report has

been given only on 18-2-74. Enquiry was conducted and Ex. M.2 is the Enquiry Proceedings and Ex. M.3 is the findings of the Enquiry Officer. Enquiry Officer found the petitioner not guilty. Accepting the findings of the Enquiry Officer, the disciplinary authority dropped the action against the petitioner under Ex. M.4 dated 19-3-75. Thereafter, after 91 days, the petitioner was served with a re-enquiry notice, Ex. M.10 fixing the date of enquiry as 24 6-75. According to the respondent re-enquiry was ordered denovo by the Appellate Authority. The petitioner objected for the denovo enquiry for the second time on the same charges and gave a representation Ex. M. 12 on 30-6-75. Inspite of the protest, denovo enquiry was conducted. In the second enquiry, 3 witnesses were examined to prove the charges. Enquiry Officer gave a finding that the petitioner is guilty of the charges and a provisional show cause notice was issued under Ex. M.5 Finally he was dismissed from service on 16-2-76 under Ex. M.17. The appealed preferred by the petitioner were rejected by the concerned authorities. It is contended by the petitioner's counsel the initiation of the denovo enquiry on the very same charges dated 23-2-74 is illegal. There is no provision either in the Standing Order of the Corporation or any rule enabling the Disciplinary Authority to initiate denovo enquiry on the same charges after the disciplinary proceedings were dropped. On the findings of the Enquiry Office by the Disciplinary authority. The respondent is not able to show under what provision of law or Standing Order. Appellate Authority ordered denovo enquiry on the very same charges for which once he was found not guilty. Since the proceedings of the denovo enquiry on the same charges for the 2nd time itself is illegal, the punishment imposed on the basis of the report of the Enquiry Officer of this denovo enquiry is also not valid. For that he relied on a decision reported in 1994 I LLJ p 435. In the above decision our High Court has held, following the decision reported in AIR 1958 Rajasthan p 38 and also decision reported in 1970 AIR Rajasthan p 210, wherein the Rajasthan High Court has held that "Once a departmental enquiry is over and a public servant has been exonerated, no second departmental enquiry on the same facts can be ordered unless there is a specific provision for reviewing an order of exoneration of this kind in the Service Rules or any law to that effect." The petitioner's counsel relied on a decision reported in 1992 I LLJ p 599, of our High Court for the very same proposition. Therefore, as per the decision of our High Court cited above, the second enquiry on the same charges or almost similar charges is not permissible unless there is any provision in the Standing Order or Rules. Admittedly, in the Standing Order of the Corporation, Ex. W-3. There is no provision to initiate a second denovo enquiry on the very same charges. So, the second denovo enquiry conducted is illegal. Therefore, the disciplinary authority dismissing the petitioner on the report of the second denovo enquiry is also illegal and not valid.

In the result, an award is passed setting aside the order of dismissal of the petitioner by the respondent. The respondent is directed to reinstate the petitioner in service with continuity of service with full backwages. No cost.

Dated, this the 9th day of February, 1996.

THIRU N. SUBRAMANIAN, Industrial Tribunal

WITNESSES EXAMINED

For Workman : WW1 : Thiru N. Durairajan.
For Management : MW1 : Thiru S. Nazar Mohammed.

DOCUMENTS MARKED

For Workman :

Ex. W-1|28-3-72 : Proceedings of the Management promoting the Petitioner-Workman Thiru N. Durairajan as Foreman Grade-I|Senior Operator (Elec.) (copy).

W-2|8-7-74 : Proceedings of the Management revising the scale of pay & fixation of Pay to the Petitioner-workman (copy).

W-3| : Standng Orders of Management Corporation (Printed book).

For Management :

Ex. M. 1|23-2-74 : Charge memo issued to the Petitioner-workman (copy).

M-2| : Proceedings of the Enquiry Officer (copy).

M-3|15-7-74 : Findings of the Enquiry Officer (copy).

M-4|19-3-75 : Order of the Disciplinary authority (copy)..

M-5|18-2-74 : Report of the Deputy Secuthority (copy).

M-6|2-3-74 : Letter from the Deputy Superintendent|Mines to the Asst. Executive Engineer|Electrical (copy).

M-7|7-3-74 : Letter from Assistant Plant Engineer|Electrical to Plant Manager| Electrical (copy).

M-8|15-3-74 : Representation of the Petitioner-workman (copy).

M-9|4-6-75 : Order of the Appellate Authority (copy).

M-10|27-6-76 : Re-enquiry notice (copy).
M-11|27-6-75 : Enquiry Notice (copy).

M12 : Representation by Petitioner workman (copy).

M-13 9-7-75 : Re-enquiry notice (copy).

M-14 : Re. enquiry proceedings and enquiry report (copy).

M-15 18-10-75 : Second Show cause notice issued to the Workman (copy).

M-16 31-10-75 : Reply by the workman to Ex. M-15 (copy).

M-17 6-7-76 : Dismissal order (copy).

M-18 19-3-76 : Order of Appellate Authority (copy).

M-19 19-4-76 : Order of Appellate Authority (copy).

M-20 1-1-76 : Punishment awarded to the workman in the second charge (copy).

नई दिल्ली, 20 मार्च, 1996

का.आ. 1185—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयर इंडिया लिमिटेड के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 1) बंबई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-3-96 को प्राप्त हुआ था।

[संख्या एल-11012/1/93-आई आर. (विविध)/(कोल-1)]
ब्रज मोहन, डैस्क अधिकारी

New Delhi, the 20th March, 1996

S.O. 1185.—In pursuance ofSection 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 1) Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Air India Ltd., and their workmen, which was received by the Central Government on 19-3-1996.

[No. L-11012/1/93-IR(Misc.)/(COAL-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY.

PRESENT

Shri Justice R. S. Verma,

Presiding Officer

REFERENCE NO. CGIT-1/44 OF 1995

PARTIES :

Employers in relation to the management of Air-India Limited.

AND

Their workman

APPEARANCES :

For the Management : Mrs. Kulkarni, Advocate.

For the Workman : No appearance.

Industry : Airlines.

State : Maharashtra.

Bombay, dated the 20th day of February, 1996.

AWARD

Mrs. Kulkarni for management.

2. The present dispute was referred to this Tribunal by the Government of India in the Ministry of Labour by L-11012/1/93.IR(Misc)/Coal-I) dated 26-10-1995.

3. An endersement by the Desk Officer shows that copy of the letter of reference was inter alia sent to the Secretary, Air Corporation's Employees Union, Bombay Airport, Santacruz (E), Mumbai-400 029.

4. The reference was received in this Tribunal on 9-11-1995 and notices were ordered to be issued for 28-12-1995.

5. Upon inquiry, the office intimated that postal department does not issue individual receipts in respect of envelopes handed over to them for service on various parties and all such envelopes are entered in one general list of uninsured registered letters with acknowldgement due and the post office issues one conolidated receipt in respect of such letters. In the present case the notices were sent inter alia to the Secretary, Air Corporation Employees Union, Bombay Airport, Santacruz (E), Bombay-400 029 and the envelope so sent is entered at Sr. No. 18 of the aforesaid general list of uninsured registered letters dated 5-12-1983 which bears a post office stamp of GPO Bombay of the said date and above the postal stamp carries endorsement stating 25/2/25/45=20. This shows that the notice was sent to the concerned union on 5-12-1995.

6. In the normal course the letter should have been delivered within a week and a presumption can be drawn on this fact by the Tribunal. However the acknowledgement has not been received till date.

7. On 28-12-1995 Mr. A. K. Kulkarni appeared for management but nobody put in appearance on behalf of the union and the matter was adjourned for awaiting the acknowledgement to 23-1-1996. It appears that the acknowledgement was not received even on the said date. Since the Presiding

Officer was on leave the case was adjourned for today that is to 20-2-1996. Mrs. Kulkarni is present for the management. But nobody appears on behalf of the Union.

8. The dispute which has been referred to this Tribunal is in the following terms :—

"Whether the action of the management of Air India now erstwhile Air India Ltd. Bombay in denying the seniority of Shri S.N. Narkar, Chief Telephone Oeprator w.e.f. 18-11-74 is legal and justified? If not what relief the concerned workman is entitled to?

A presumption can safely be drawn that the Ministry of Labour Government of India while despatching the order of reference dated 26-10-95 had also sent the same to the Union as recited in the endorsement to the original order of reference. As already stated, notices have been issued by this Tribunal. Of course the acknowledgement has not been received, but it can be safely assumed and presumed that the notices had been received by the concerned union. The concerned union has not taken care to file any claim.

9. The claim of seniority pertaining to 18th November, 1974 is being raised in the year 1995 and much time has elapsed since then. A large number of persons might have been promoted on the basis of seniority assigned to Mr. Narkar way back in 1974. In the absence of any written statement of claim by the union, it is difficult to say that the seniority assigned to Mr. Narkar was not correct and was not legal and was not justified. I, therefore, find no merit in the claim made to the Government of India but not reiterated before this Tribunal inspite of opportunities. It would be unfair and unjust to hold at this point of time that the seniority assigned to Shri Narkar was not correct. Award is made accordingly. The same may be submitted to the appropriate Government for due publication.

R. S. VERMA, Presiding Officer

नई दिल्ली, 20 मार्च, 1996

का.आ. 1186—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में भारत कोकिंग कोल लि. की बरारी कोलियरी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-3-96 को प्राप्त हुआ था।

[संख्या एल-20012/56/91-आई.आर. (कोल-1)]

ब्रज मोहन, डैस्क अधिकारी

New Delhi, the 20th March, 1996

S.O. 1186.- In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bararee Colliery of M|s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on 19-3-1996.

[No. L-20012|56|91-IR(COAL-I)]
BRAJ MOHAN Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

PRESENT :

Shri D. K. Nayak, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 120 OF 1991

PARTIES :

Employers in relation to the management of Bararee Colliery of M|s. B.C.C.L. and their workmen.

APPEARANCES :

On behalf of the workmen : None.
On behalf of the employers : None.
State : Bihar. Industry : Coal.

Dhanbad, the 8th March, 1996

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(56)|91-I.R. (Coal-I), dated, the 5th August, 1991.

SCHEDULE

"Whether the action of the management of Bararee Colliery of M|s. BCCL, P.O. Bhalanbararee, Dist. Dhanbad is not regularising Shri Bharat Gope as Trammer in Category-III with effect from Septembtr, 1983 and not protecting the wages of Loader Group VA while fixing the pay as General Mazdoor Cat. I in September, 1983 is justified? If not to what relief the workman is entitled ?"

2. Soon after the resist of the order of reference notices were duly served upon the parties, that neither of the parties turned up nor took any steps. Thereafter also several notices were issued to the parties. But the parties did not turn up nor took any steps. It therefore leads me to an inference that there is no dispute existing between the parties for the present and in the circumstances, I am constrained to pass a 'No dispute' Award in the reference.

D. K. NAYAK, Presiding Officer

CORRIGENDUM

New Delhi, the 22nd March, 1996

S.O. 1187.—In the Notification of the Government of India in the Ministry of Labour No. S.O. 3233 dated the 22nd November, 1995 published in the Gazette of India, Part-II, Section 3, Sub-Section (ii) dated the 9th December, 1995, for 'DHANBAD' read 'DHANNAD'.

[No. S-38013|59|95-SS.I.]
J. P. SHUKLA, Under Secy.

नई दिल्ली, 22 मार्च, 1996

का.आ. 1188—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन एयर लाइन्स के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में विनिर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2) मुंबई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-3-96 को प्राप्त हुआ था।

[संख्या एल-11012/22/90-आई.आर. (विविध) (कोल-1)]
ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 22nd March, 1996

S.O. 1188.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2) Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Airlines and their workmen, which was received by the Central Government on 19-3-1996.

[No. L-11012|22|90-IR(Misc)|(Coal-I)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.
Reference No. CGIT-2|39 of 1994

Employers in relation to the Management of Indian Airlines, Bombay.

AND

Their Workmen.

APPEARANCES :

For the Employer.—Mr. K. B. Swamy, Advocate.

For the Workmen.—Mr. Madan Phadnis, Advocate.

Mumbai, dated 20th February, 1996

AWARD PART-I

The Government of India, Ministry of Labour by its order No. L-11012|22|90-IR(Misc) dated 5-4-91, had referred to the following Industrial Dispute for adjudication.

"Whether the management of Indian Airlines, Bombay, are justified in imposing double penalty on Sri C. G. Sudame, Chief Teleprinter Operator in Grade 7|8 to the post of Teleprinter Operator (Senior grade) with reduced basic pay from Rs. 690 to Rs. 600 in lower Grade 3|6 to Rs. 525—1110 w.e.f. 16-9-85 ? If not, to what relief is the workman entitled to ?

2. In fact the reference was decided ex-parte by my predecessor on January 27, 1992. Thereafter the worker filed an application for settling aside the ex-parte order. That application was contested. After hearing the parties I restored the reference to file on 13th August, 1994.

3. The Secretary of Air Corporations Employees Union, Bombay filed a Statement of Claim for the worker C. G. Sudame. It is contended that he joined the services of Indian Airlines Corporation as a Teleprinter operator in the year 1969. Prior to that the worker joined the P & T Department of Central Government in 1969. He was posted at Aurangabad Station since his employment with Indian Airlines.

4. On 24-11-84 the Station Manager of Indian Airlines at Aurangabad informed him that the worker utered unparliamentary words against the Station Manager in the premises of Indian Airlines and in the presence of staff. No details of incident nor the unparliamentary words were given in that letter. However, the worker submitted his explainations as desired by the Station Manager denying it totally. The explanation was dated 26-11-94.

5. On January 24, 1985 the workman Sudame received a chargeshcet dated 21-1-85 from Regional Director of Indian Airlines, Bombay. It was alleged that on 24-11-84 Sudame behaved very badly with Shri Awale, abused him in the name of caste and unparliamentary language and came out of his cabin and further the allegations which were already made in the said letttr dated 24-11-84. But in the said chargesheet the abuses were written such as "Madarchod" "Bhangi". It is alleged that the worker committed breach of para-I and misconduct as set out in clause 16(11), 16(13) and 16(42) of the Standing Orders (Regulations) concerning Discipline and Appeals. The worker by his reply dated 28-1-85 denied the charges.

6. It is alleged on behalf of the union that after the explanation of Sudame and before the issue of chargesheet dated 21-1-85 the station manager called some employees and obtained certain statements. These statements were of L. M. Pandit, Tamuziddin, A. K. Upadhyay and Station Manager

himself dated 6-12-84. It is averred that thus documents were fabricated by the Station Manager, only with a view to induct the caste allegations against the workman. It is averred that subsequently in a domestic inquiry the principles of natural justice were not followed. And the inquiry report was drawn without even mentioning the date of the report. It is averred that the conclusions drawn by the inquiry officer are bias and not on the basis of the evidence before him. They are perverse. It is submitted that the evidence which went in favour of the worker was not considered at all.

7. The Union contended that the Regional Director of Indian Airlines, Bombay issued a show cause notice proposing to impose a punishment (Reduction to the post of Teleprinter Operator Sr. Category) in the pay scale of Rs. 525—1110 with basic pay at Rs. 600). It is averred that the worker gave reply to the Show cause notice and contended that the proposed punishment was contrary to the rules and regulations besides being bad in law as it sought to impose double punishments on him by bringing down his grade in the first instance and second reducing his basic pay of Rs. 690—600 permanently. It is averred that his submissions were rejected and the proposed punishment was communicated to him on 4-9-85. It is submitted that he preferred an appeal against the said order of punishment but he did not receive any reply to it. It is submitted that the proposed punishment is against the principles or natural justice and contrary to law. It is prayed that the punishment imposed by the Regional Director may be set aside and the workers salary may be restored to his ususal salaries and he may be paid all the arrears and consequential benefits including seniority and also his grade as if the punishment was not imposed at all. He also prayed for cost of Rs. 3,500.

8. The management resisted the claim by the written statement Exhibit-11. It is averred that the Jurisdiction of the Tribunal under section 11A of the Industrial Disputes Act of 1947 (herein after called as an Act) to interfere with the punishment can be directed only in the case of discharge or dismissal as a measure of disciplinary punishment and this section does not apply to any other punishment. It is denied that the punishment which is awarded to the worker amounts to a total Penalty and contrary to the law. It is submitted that even for the sake of arguments it is accepted that it is a double punishment, in view of the standing order No. 17, the company is empowered to pass any one or more of the punishment contemplated under the order. It is denied that the principles of Natural Justice were not followed at the time of inquiry. It is submitted that the findings of the inquiry officer are as per the law. It is averred that full opportunity was given to the worker to cross examine the witness when the statements were produced on the record, It is submitted that no injustice is caused to the worker at any stage of the inquiry. It is denied that the punishment is not proper. It is averred that if the Tribunal comes of the conclusion that the domestic inquiry which held against the workman is against the principles of natural justice then it may be allowed to lead evidence in the matter to substantiate its action. It is prayed that under such circumstances the reference may be answered in favour of the management. The Union filed rejoinder at Exhibit-13 and reiterated the contents taken in the statement of Claim.

9. The issues are framed at Exhibit-3 but as agreed issue No. 4 is to be treated as a Preliminary issue. The issues and my findings there on are as follows :

	Issues	Findings
4.	Whether the domestic inquiry which was held against the workman was against the Principles of Natural Justice ?	No

REASONS

10. Chintamani Gangadhar Sudame (Exhibit-14) filed an affidavit by way of Examination-in-chief. He had affirmed the contents taken in the statement of Claim. He admits to have received the charge sheet. In paragarph 9 he affirmed that the inquiry was held and in the said inquiry Mr. Awale the Station Manager was examined on behalf of the Indian Airlines and he was cross examined by his representatives. He further stated that in his entire evidence Awale did not say a word about the allegations made against him in the charge sheet and about badly misbehaving with him or abusing him in the name of caste and unparliamentary language and later on abusing him near booking counter. In the said paragraph he further affirmed that all other witnesses were hear say witnesses and as such there was no legal evidence against him in the whole inquiry. It is pertinent to see that as requested the cross examination of this witness was restricted to the fairness of the inquiry. Mr. Swamy the Learned Advocate for the management declined the cross-examination. From the testimony of this witness nothing has come on the record to show that the domestic inquiry which was held against the workman was against the principles of natural justice. The management had not lead any oral evidence.

11. It is needless to say that the burden is on the worker or for instance on the union to prove that the inquiry which was held against the workman was against the principles of natural justice. For that purpose they had to lead evidence or to

show it on the basis of the documentary evidence on the record that it was against the principles of natural justice. As already stated above from the oral evidence the worker failed to prove that point. Now on the basis of the documentary evidence it has to be seen whether he proved it or not.

12. Mr. Phadnis the Learned Advocate for the workman argued that the statements of Pandit, Thamzuddin and Upadhyay the witness of the management were given to the worker at the time of the inquiry and he has no opportunity to deal with it properly at the time of cross-examination. On this ground he tried to argue that the inquiry is against the principles of natural justice. On the other hand Mr. Swamy the Learned Advocate for the company argued that no injustice is caused from the statement of these witnesses who are at Exhibit-12. It can be seen that the photo copies of these statements were given to the workman who compared that with the original. Thereafter these witnesses were cross examined. The worker never asked for any adjournment for cross examination of these witnesses on the ground that he received the copies on that day itself. In other words he was ready with the cross examination and he did not find it necessary to seek an adjournment for making himself prepared. As that is so I do not find any irregularity committed by the management while giving the copies of the statement of the witness to the workman on the day of the inquiry. I may make it clear that at this juncture I am not on the point to relevancy of the statements or evidentiality value of these statements.

13. Mr. Phadnis the Learned Advocate for the workman placed reliance on Kesoram Cotton Mills Ltd. and Gangadhar and Ors. AIR 1964 SC 708 and Prakash and Co., Ltd. and its workmen 1963(II)LLJ 452. They related to the recorded statements of witnesses and its use in the inquiry proceedings and its evidentiality value. As I am deciding the preliminary issue it is not necessary to decide whether the findings of the inquiry officer are perverse or not. That has to be decided in Part-II Award. At that time these two authorities will be considered.

14. For all these reasons I find that the domestic inquiry which was held against the workman was as per the procedure and it is wrong to say that it was against the principles of natural justice. The issue is answered accordingly.

ORDER

The domestic inquiry which was held against the workman was as per the principles of natural justice.

S. B. PANSE, Presiding Officer

20-2-1996.

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